

EXHIBIT D

SUPERIOR COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

VIDEOTAPED DEPOSITION OF JASON BOYCE

Los Angeles, California

Tuesday, July 9, 2019

1 SUPERIOR COURT OF THE STATE OF NEW YORK
2 COUNTY OF NEW YORK
3 _____
4 JASON BOYCE,)
5 Plaintiff,)
6 vs.) Case No.: 160630/2017
7 BRUCE WEBER; JASON KANNER;)
8 SOUL ARTIST MANAGEMENT;)
9 LITTLE BEAR, INC.,)
Defendants.)
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19 The deposition of JASON BOYCE, taken on
20 behalf of the Defendants, at 1901 Avenue of the Stars,
21 Suite 1600, Los Angeles, California; commencing at
22 10:24 a.m. and ending at 8:13 p.m., on Tuesday,
23 July 9, 2019, before Kathy Mannlein, a Certified
24 Shorthand Reporter in the State of California,
25 License No. 13153.

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22 Also present: Ania Bilinska, Videographer
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I N D E X

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3	Examinations	Page
4	BY MS. WEINTRAUB	8
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6	BY MS. WEINTRAUB (Further)	365

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E X H I B I T S

10

No.

Description

11	Exhibit 1	6/5/2009 e-mail thread
12	Exhibit 2	Colored photograph of Jason Boyce
13	Exhibit 3	August 17, 2009 e-mail thread
14	Exhibit 4	Photograph of Jason Boyce
15	Exhibit 5	March 31, 2015 e-mail thread
16	Exhibit 6	January 8, 2010 e-mail thread
17	Exhibit 7	10/18/2011 e-mail thread
18	Exhibit 8	December 3, 2013 e-mail
19	Exhibit 9	Text message thread
20	Exhibit 10	3/24/2014 e-mail thread
21	Exhibit 11	8/26/2010 e-mail
22	Exhibit 12	November 19, 2014 e-mail
23	Exhibit 13	5/18/2010 e-mail thread
24	Exhibit 14	6/11/2010 e-mail thread
25	Exhibit 15	March 11, 2014 e-mail thread

1	Exhibit 16	June 19, 2014 e-mail
2	Exhibit 17	April 18, 2014 e-mail
3	Exhibit 18	July 15, 2014 e-mail
4	Exhibit 19	Transcript of Mark Ricketson; Page 71
5	Exhibit 20	December 7, 2014 e-mail
6	Exhibit 21	11/20/2014 e-mail
7	Exhibit 22	Five photographs of Jason Boyce
8	Exhibit 23	April 18, 2011 e-mail thread
9	Exhibit 24	April 20, 2011 e-mail; four photographs of Jason Boyce
10	Exhibit 25	3/1/13 text message thread
11	Exhibit 26	2/18/14 text message thread
12	Exhibit 27	May 19, 2014 text message thread
13	Exhibit 28	Transcript of David Todd; Page 173
14	Exhibit 29	11/4/2015 e-mail thread
15	Exhibit 30	11/24/14 text message thread
16	Exhibit 31	12/15/2014 e-mail
17	Exhibit 32	Hand drawn map
18	Exhibit 33	Photos of Jason Boyce
19	Exhibit 34	Photos of Jason Boyce
20	Exhibit 35	Photos of Jason Boyce
21	Exhibit 36	Photograph of Jason Boyce
22	Exhibit 37	Photograph of Jason Boyce
23	Exhibit 38	December 16, 2014 e-mail thread
24	Exhibit 39	December 17, 2014 Instagram photo

<p>Page 30</p> <p>1 A. I don't know his last -- I can't remember his 2 last name.</p> <p>3 Q. Okay. Did you think it would make a lot of 4 money -- you'd make a lot of model being a model?</p> <p>5 A. I did.</p> <p>6 Q. How much money did you think it would make?</p> <p>7 A. I don't know, but more than I had.</p> <p>8 Q. Which was?</p> <p>9 A. I don't remember, it wasn't a lot.</p> <p>10 Q. Okay. Did you do any research on modeling to 11 see what they make or...</p> <p>12 A. No, I didn't.</p> <p>13 Q. Did you know how incredibly hard it would be to 14 become a model?</p> <p>15 A. Not before, no.</p> <p>16 Q. Not before what?</p> <p>17 A. Not before I actually became a model, no.</p> <p>18 Q. When did you actually become a model?</p> <p>19 A. When I signed with David, in my mind.</p> <p>20 Q. David Todd, for the record?</p> <p>21 A. David Todd, for the record.</p> <p>22 Q. Year? Was that at Nous in 2000- --</p> <p>23 A. At Nous in 2009.</p> <p>24 Q. When you made the decision and you signed with 25 David Todd at Nous, did you know how unlikely it would</p>	<p>Page 31</p> <p>1 be that you would ever become a successful model enough 2 to pay your bills?</p> <p>3 A. At the time, no.</p> <p>4 Q. Let's talk about the different agencies that you 5 worked at.</p> <p>6 What would a successful -- what would success be 7 for you, as a model?</p> <p>8 A. To do projects that I liked, to make a living.</p> <p>9 Q. Were you ever able to make a living working as a 10 model?</p> <p>11 A. I mean, there were times where I made -- there 12 were times where I made money and times where I 13 wouldn't.</p> <p>14 Q. That's different from making a living and be 15 able to support yourself as a model, isn't -- hold on, 16 you gotta let me finish first. So I'm going to take it 17 back and ask it again.</p> <p>18 Were you ever able to make a living and support 19 yourself as a model? It's a "yes" or "no," and you can 20 explain.</p> <p>21 A. No.</p> <p>22 Q. What's a brand campaign?</p> <p>23 A. It's a -- it's an advertising campaign that a 24 brand does.</p> <p>25 Q. Would you consider making it if you got a brand</p>
<p>Page 32</p> <p>1 campaign?</p> <p>2 A. Not necessarily.</p> <p>3 Q. Why?</p> <p>4 A. Because that's just one job.</p> <p>5 Q. Would making it be a spread in Vogue?</p> <p>6 A. That's pretty big. That's pretty big.</p> <p>7 Q. Could you support yourself on that?</p> <p>8 A. Not from that one job, no.</p> <p>9 Q. If you were on a billboard, would that mean 10 success for you?</p> <p>11 A. That would be -- yeah, that would be great.</p> <p>12 Q. Being great doesn't mean success, does it? Or 13 does it?</p> <p>14 A. No, it depends on your definition of success -- 15 my definition of success. If I were on a billboard, I'd 16 probably be getting paid for that. And if I'm getting 17 paid for that, I'd be making some type of living. But I 18 would need another job.</p> <p>19 Q. So although you agree that it would be a sign of 20 success, that would not -- that would not necessarily 21 mean that you were a success, meaning that you would 22 could support yourself?</p> <p>23 A. Well, it's a little more nuance than that. That 24 one job probably couldn't support me for a lifespan, but 25 if I have that one job, I have a much greater</p>	<p>Page 33</p> <p>1 opportunity to get other jobs.</p> <p>2 Q. Okay. But that's also -- that's a maybe. And 3 maybe don't pay the bills; right?</p> <p>4 A. That -- I mean, that whole world is a maybe.</p> <p>5 But if I'm on a billboard, I am much more likely to get 6 another job.</p> <p>7 Q. Are you saying that if you're on a billboard 8 that you have more than a 50 percent chance of --</p> <p>9 A. I can't quantify it.</p> <p>10 Q. You have no idea, do you?</p> <p>11 A. I can't quantify that.</p> <p>12 Q. Is it fair to state you really have no idea; you 13 just think it would be -- you would have a better chance 14 than you would have if you didn't have a billboard?</p> <p>15 A. I would have a better chance if I did have it.</p> <p>16 Q. Okay. Nous Talent Agency, that's where you met 17 David Todd?</p> <p>18 A. Nous Model Management.</p> <p>19 Q. Sorry. Was it Nous Model Management or Nous --</p> <p>20 A. So Nous Talent was their commercial -- 21 commercial division.</p> <p>22 Q. Okay.</p> <p>23 A. Nous Model Management was their models.</p> <p>24 Q. Okay. Can you tell me when you modeled for 25 them, year to year?</p>

<p>1 A. Correct.</p> <p>2 Q. How much money can you give -- can you tell me</p> <p>3 even approximately how much were you making from 2010 to</p> <p>4 2014, yearly, as a model?</p> <p>5 A. I don't know. It fluctuated every year.</p> <p>6 Q. What's the most that you ever made as a model</p> <p>7 during those four years?</p> <p>8 A. Do commercials count?</p> <p>9 Q. Well, no, but you can tell me. I want to know</p> <p>10 from modeling.</p> <p>11 A. I don't know, anywhere from -- guessing --</p> <p>12 guessing, anywhere from 5- to 15,000.</p> <p>13 Q. Did you -- did you -- have you read David Todd's</p> <p>14 deposition?</p> <p>15 A. Parts of it, I have.</p> <p>16 Q. Okay. Are you aware of the fact that David</p> <p>17 Todd, as your agent, said during that period of time</p> <p>18 that you never made more than 10- or \$15,000 in any</p> <p>19 given year?</p> <p>20 A. I didn't know he said that, but that probably</p> <p>21 sounds correct.</p> <p>22 Q. Okay. David Todd also testified that if he had</p> <p>23 to draw a graph, meaning a graph that goes squiggly</p> <p>24 lines up and down, that for your modeling career,</p> <p>25 starting in 2009 to 2014, it would be a straight line</p>	Page 54	Page 55
<p>1 Q. Okay. So let's take it back and get an answer</p> <p>2 down.</p> <p>3 My question is, do you agree that you never</p> <p>4 could support yourself as a model? Period.</p> <p>5 A. I agree with that.</p> <p>6 Q. Okay. That had nothing to do with Bruce Weber,</p> <p>7 did it?</p> <p>8 A. No.</p> <p>9 Q. Now, in 2000- -- March 2014, didn't David Todd</p> <p>10 -- number 20, please -- didn't David Todd have a talk</p> <p>11 with you and explain that you're just getting too old</p> <p>12 for him to even try and book you?</p> <p>13 A. I don't recall that conversation.</p> <p>14 Q. Do you recall a conversation where he told you</p> <p>15 that you just weren't under 24, you weren't skinny</p> <p>16 enough, as the market was calling for?</p> <p>17 A. He probably did say something like that.</p> <p>18 Q. Okay. We don't like "probably." I want you to</p> <p>19 take a look at this, and tell me, is this e-mail</p> <p>20 correspondence between you and David Todd -- which now</p> <p>21 has been marked as Exhibit No. 10. This is from March</p> <p>22 24th, 2014; right?</p> <p>23 A. Correct.</p> <p>24 (Exhibit 10 marked.)</p> <p>25 ///</p>	Page 56	Page 57

<p>1 look better at that point?</p> <p>2 A. Not correct.</p> <p>3 Q. Not correct? You didn't tell Marco Vierra that</p> <p>4 you had to wait for Stephanie to get paid?</p> <p>5 A. That's different. That was for -- that was for</p> <p>6 acting. That's head shots. For modeling, she never</p> <p>7 paid for any of my photos.</p> <p>8 Q. Okay. Now, again, you send Jason Kanner, Merry</p> <p>9 Christmas, touching your own erect penis; right? Right?</p> <p>10 You want to see it? Right? Merry Christmas, lol,</p> <p>11 holding your penis, erect -- or, no, holding your penis,</p> <p>12 not erect.</p> <p>13 A. Not erect.</p> <p>14 Q. Correct? That's December 7th, 2014; right?</p> <p>15 A. Yes.</p> <p>16 Q. Now, at this point, you find out that Jason</p> <p>17 Kanner has finally convinced Bruce Weber to do a go-see</p> <p>18 and take some pictures for your book; right?</p> <p>19 A. I don't --</p> <p>20 Q. December 12th.</p> <p>21 A. Yeah, I --</p> <p>22 Q. Right?</p> <p>23 A. I don't remember the exact date.</p> <p>24 Q. Around -- a few days after this picture?</p> <p>25 A. Yeah, around that, yeah.</p>	<p>Page 90</p> <p>1 Q. Okay. And in your mind -- well, let's start</p> <p>2 with -- 44 -- you didn't have enough money to go to New</p> <p>3 York City; right? It was a \$900 plane fare. And you</p> <p>4 even asked Kanner for an advance to borrow money or</p> <p>5 something.</p> <p>6 A. I did ask Jason for money, yes.</p> <p>7 Q. Okay. And that was because you said you</p> <p>8 couldn't even afford the plane ticket.</p> <p>9 A. Yeah.</p> <p>10 Q. When did you make the shower video of you</p> <p>11 masturbating? Did you make more than one?</p> <p>12 A. In the shower? Or just --</p> <p>13 Q. Just masturbating.</p> <p>14 A. Yes, I did.</p> <p>15 Q. Okay. Did you make more than one in the shower?</p> <p>16 A. I don't think so.</p> <p>17 Q. Okay. Do you remember when you made that one in</p> <p>18 the shower of you masturbating?</p> <p>19 A. It was sometime -- sometime in 2014 or '15,</p> <p>20 because it was at my house in Los Angeles. I don't</p> <p>21 remember the exact month.</p> <p>22 Q. And who did you send that to?</p> <p>23 A. I don't recall. I think I sent it to Jason</p> <p>24 Kanner.</p> <p>25 Q. Did you send it to Scott Hoover?</p>	<p>Page 91</p>
<p>1 A. No.</p> <p>2 Q. Why?</p> <p>3 A. Because I didn't talk with Scott Hoover.</p> <p>4 Q. How about Ben Estridge?</p> <p>5 A. I don't believe I did.</p> <p>6 Q. Any other photographers you sent it to?</p> <p>7 A. Not that I recall.</p> <p>8 Q. Any other casting agents?</p> <p>9 A. Not that I recall.</p> <p>10 Q. How about Derek Warburton?</p> <p>11 A. Not that I recall.</p> <p>12 Q. So the only person that you do recall sending it</p> <p>13 to is Jason Kanner?</p> <p>14 A. Off the top of my head, yes --</p> <p>15 Q. Did you make it for Jason Kanner?</p> <p>16 A. I don't recall.</p> <p>17 Q. Would you send it to a woman?</p> <p>18 A. Would I?</p> <p>19 Q. Uh-huh.</p> <p>20 A. Probably, yeah.</p> <p>21 Q. Did you?</p> <p>22 A. I don't remember.</p> <p>23 Q. Now, we talked about that you had no problem</p> <p>24 shooting in the nude; right?</p> <p>25 A. Yes.</p>	<p>Page 92</p> <p>1 Q. The shots with Darren -- I'm sure I'm going to</p> <p>2 mispronounce his name -- Tieste?</p> <p>3 A. I think that's right.</p> <p>4 Q. Who booked that?</p> <p>5 A. David Todd.</p> <p>6 Q. And that was for your book?</p> <p>7 A. Yes.</p> <p>8 Q. That was not for a job?</p> <p>9 A. No.</p> <p>10 Q. And he told you to touch yourself?</p> <p>11 A. Not that I remember.</p> <p>12 Q. Now, when Jason Kanner -- when Jason Kanner got</p> <p>13 you the go-see with Bruce Weber, you were thrilled, to</p> <p>14 say the least?</p> <p>15 A. Oh, yeah, definitely.</p> <p>16 Q. And you find out about it, end of November 2014;</p> <p>17 right?</p> <p>18 A. Sounds right.</p> <p>19 Q. Okay. And when Jason Kanner sent pictures again</p> <p>20 to Bruce Weber, this was -- this isn't the first time</p> <p>21 Bruce Weber's contacted -- we'll talk about it, but,</p> <p>22 surely, it's not the first time; right?</p> <p>23 A. It wasn't, no.</p> <p>24 Q. You sent him -- contacted Bruce Weber lots of</p> <p>25 times.</p>	<p>Page 93</p>

<p>1 A. My agent --</p> <p>2 Q. On your behalf?</p> <p>3 A. Yes.</p> <p>4 Q. At your request?</p> <p>5 A. Yes, at the request of probably many models.</p> <p>6 Q. Really? That's not what he said. Why do you 7 say that?</p> <p>8 A. That's not what who said?</p> <p>9 Q. That's not what David Todd said.</p> <p>10 A. I'm talking about Jason Kanner.</p> <p>11 Q. But you specifically asked David Todd to contact 12 Bruce Weber on a number of occasions; right? We're 13 going to go over them later, but --</p> <p>14 A. Yes, yes.</p> <p>15 Q. Suffice it to say, there were many times, at 16 your request, Bruce Weber's name comes up, specifically, 17 and you want to get in front of him?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. So on November 20th, 2014, Jason Kanner, 20 on your behalf, sends an e-mail to Bruce Weber. And he 21 sends a picture of you -- Exhibit 21.</p> <p>22 (Exhibit 21 marked.)</p> <p>23 BY MS. WEINTRAUB:</p> <p>24 Q. Right?</p> <p>25 A. Yes.</p>	<p>Page 94</p> <p>1 Q. Okay. And -- and it also shows that he is --</p> <p>2 Bruce Weber is shooting somebody else for Jason the very 3 next day; right?</p> <p>4 A. That's what it looks like, yeah.</p> <p>5 Q. Okay. So -- and this is not a nude picture that 6 was sent --</p> <p>7 A. No.</p> <p>8 Q. -- to Bruce Weber; right? On November 20th, 9 2014.</p> <p>10 A. Correct.</p> <p>11 Q. This is when he -- this is when Kanner gets 12 Bruce Weber to agree. All right, I'll do the go-see for 13 your boy, Jason Boyce, basically; right? Yes?</p> <p>14 A. Yes.</p> <p>15 Q. And --</p> <p>16 MS. LEVINE-GRONNINGSATER: Counsel, can I 17 interrupt just about deposition pages. I think you 18 might have given me the copy for --</p> <p>19 MR. ETRA: We'll just switch.</p> <p>20 MS. WEINTRAUB: Sorry.</p> <p>21 MR. ETRA: It's okay. Thank you.</p> <p>22 BY MS. WEINTRAUB:</p> <p>23 Q. By December 2014, fair statement to say that you 24 were completely broke -- you were broke?</p> <p>25 A. Yes.</p>	<p>Page 96</p> <p>1 Q. You made zero money modeling in the year 2014?</p> <p>2 A. Yeah.</p> <p>3 Q. You didn't even have a few hundred dollars to 4 pay your sad dues by then; right?</p> <p>5 A. Sounds right.</p> <p>6 Q. Do you want to see it?</p> <p>7 A. No, I remember it.</p> <p>8 Q. Okay. So you're bum broke at the end of 2014.</p> <p>9 A whole year, you didn't make any money modeling.</p> <p>10 How did you support yourself?</p> <p>11 A. Bartending.</p> <p>12 Q. Okay. And -- and you do the video of the 13 masturbating and ejaculating in the shower at that time; 14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. Now, was that -- was that in 2014?</p> <p>17 A. I don't recall.</p> <p>18 Q. Well, you made several. So when was the shower? 19 Please don't make me show it.</p> <p>20 A. I believe it was 2014.</p> <p>21 Q. When you did those -- well, when you did the 22 shower, masturbating, you ejaculated -- do you remember 23 that?</p> <p>24 A. Yes.</p> <p>25 Q. It was kind of pornographic watching it, to be</p>	<p>Page 97</p> <p>1 honest.</p> <p>2 Do you agree with that?</p> <p>3 A. Yeah.</p> <p>4 Q. And was it made for that reason? Was it an 5 indication you would do porn and try and get work that 6 way?</p> <p>7 A. No.</p> <p>8 Q. If you weren't willing to do porn shots like 9 what you were sending them, why were you sending them to 10 people?</p> <p>11 A. I was comfortable -- I was comfortable doing it, because I was alone, by myself. Again, I morally had pushed those goalposts back to where I justified it to myself. But I was okay with it, because nobody touched me, nobody was there with me.</p> <p>16 Q. Well, what was the reason that you -- I 17 understand. And that's going to be, I know, a mantra of 18 yours. But what was the reason for it? I mean, what 19 was the reason for taking -- or making pornographic 20 videos of you masturbating and ejaculating? That's not 21 to get a photo shoot.</p> <p>22 A. Yes, it is.</p> <p>23 Q. That's to get a job with a brand?</p> <p>24 A. Yes.</p> <p>25 Q. And, particularly, what photographer were you</p>
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<p>1 trying to appeal to with that?</p> <p>2 A. I was trying to get Jason Kanner to push me to</p> <p>3 any photographer that would -- that worked regularly</p> <p>4 that would get me a job.</p> <p>5 A. Okay. So -- and I want to just go back to the</p> <p>6 Darren Tieste pictures because I couldn't find them</p> <p>7 before. And we'll make a composite exhibit, because</p> <p>8 there are four pictures. One, two, three, four --</p> <p>9 there's five. Do you have the last one? Five.</p> <p>10 Those are the pictures that Darren Tieste took;</p> <p>11 right?</p> <p>12 A. Yep.</p> <p>13 Q. What's the exhibit number, Mr. Boyce?</p> <p>14 A. 22.</p> <p>15 (Exhibit 22 marked.)</p> <p>16 BY MS. WEINTRAUB:</p> <p>17 Q. Okay. So Exhibit No. 22, those are what you</p> <p>18 shot with Darren Tieste?</p> <p>19 A. Yes.</p> <p>20 Q. And you did those in December 2014?</p> <p>21 A. Yes.</p> <p>22 Q. That was for no particular reason except for</p> <p>23 your book; right?</p> <p>24 A. Yes.</p> <p>25 Q. Those are pictures of you holding your penis and</p>	<p>Page 98</p> <p>1 showing your penis with a towel?</p> <p>2 A. That's me covering, yes.</p> <p>3 Q. That's covering your penis?</p> <p>4 So you put the towel there to cover it, not for</p> <p>5 some other reason to make it seem as though that's an</p> <p>6 extension or your penis itself; right? Because you see</p> <p>7 the way it looks; yes? Is that not meant to look like</p> <p>8 your penis?</p> <p>9 A. No.</p> <p>10 Q. Okay. That's meant to be you being bashful,</p> <p>11 covering it up?</p> <p>12 A. That's me covering it.</p> <p>13 Q. Okay. And as I said before -- actually, I told</p> <p>14 your lawyer this off the record. I recently had back</p> <p>15 surgery and I can't sit. So I'm just going to stand.</p> <p>16 So this has nothing to do with anything, but I have to</p> <p>17 stand. Are you okay?</p> <p>18 When and how did you first meet Bruce Weber?</p> <p>19 A. At the go-see that Jason Kanner set up.</p> <p>20 Q. December 2014?</p> <p>21 A. Yes.</p> <p>22 Q. When you did the -- when you went to the casting</p> <p>23 at A&F in 2010 or '11, was Bruce Weber there?</p> <p>24 A. No.</p> <p>25 Q. Okay. You were rejected from that, though;</p> <p>Page 99</p>
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<p>1 can you get me in front of Bruce Weber; agreed?</p> <p>2 A. Yes -- yes. This was in 2011 when I was with</p> <p>3 major. I wasn't seeing a lot of people. I had had</p> <p>4 conversations with David before I left, and David had a</p> <p>5 list of people that he wanted me to see; Bruce Weber</p> <p>6 being one of them. So I was trying to push, yes, can</p> <p>7 somebody get me to go see Bruce Weber, like I was told I</p> <p>8 would.</p> <p>9 Q. Okay. I forgot, so I'm just going to ask you</p> <p>10 again. Did you read David Todd's deposition or no?</p> <p>11 A. No.</p> <p>12 Q. Now, David Todd did get you a go-see at Bruce</p> <p>13 Weber's studio in 2011, didn't he?</p> <p>14 A. I don't recall. It wasn't with Bruce Weber.</p> <p>15 Q. It was with Dawn Thomason. Do you remember?</p> <p>16 "Boxy face." Do you remember? Because you -- do you</p> <p>17 remember that?</p> <p>18 A. No. She has a boxy face? Is that what you're</p> <p>19 telling me? Oh, me, I have a boxy face.</p> <p>20 Q. You've posted on your social media -- you've</p> <p>21 kind of made fun of it, actually, that she --</p> <p>22 A. Oh, she said -- oh -- yes.</p> <p>23 Q. She said you had a boxy face.</p> <p>24 A. Right.</p> <p>25 Q. She is a representative and somebody who works</p>	Page 106	Page 107
<p>1 A. It says, "Bruce, saw this guy today, sweet guy,</p> <p>2 but has a very boxy face, nice body. He is from Cali</p> <p>3 and is here for the summer. He is a surfer and a</p> <p>4 snowboarder. He is 23 years old. What do you think?"</p> <p>5 XO, DT."</p> <p>6 Q. DT meaning David Todd?</p> <p>7 A. David Todd, correct.</p> <p>8 Q. And what's the date of that?</p> <p>9 A. That is April 20th, 2011.</p> <p>10 Q. Okay. And that's pretty typical of a go-see,</p> <p>11 you take quick pictures. You're in and out; right?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. Nothing came from that; right?</p> <p>14 A. Nothing came from that.</p> <p>15 Q. Were you disappointed?</p> <p>16 A. Probably.</p> <p>17 Q. Did it cause you to question that maybe you were</p> <p>18 wrong that you were the right look for Bruce Weber in</p> <p>19 your mind? Because he rejected -- you were rejected for</p> <p>20 the A&F where he was shooting, and you're rejected now</p> <p>21 for the go-see and studio for him; right?</p> <p>22 A. Yeah, there were times where I thought I wasn't</p> <p>23 good enough.</p> <p>24 Q. Okay. Were you disappointed nothing came of</p> <p>25 that?</p>	Page 108	Page 109
<p>1 with Bruce Weber; right?</p> <p>2 A. Yes.</p> <p>3 Q. So she would kind of know what Bruce Weber</p> <p>4 likes; right?</p> <p>5 A. Sure.</p> <p>6 Q. Okay. So you go to see Dawn; right? You go to</p> <p>7 a go-see with Dawn Thomason, or you don't remember?</p> <p>8 A. Again, I don't remember, but -- I don't</p> <p>9 remember.</p> <p>10 Q. You don't remember -- you don't remember going</p> <p>11 -- and, again, when you went to -- you don't remember</p> <p>12 going to the Little Bear studio?</p> <p>13 A. Was this in LA or New York?</p> <p>14 Q. In New York. Weren't you all excited to go have</p> <p>15 a go-see at Bruce Weber's studio?</p> <p>16 A. It was a long time ago.</p> <p>17 Q. I'm going to show you Exhibit No. 24 and ask if</p> <p>18 this refreshes your recollection.</p> <p>19 (Exhibit 24 marked.)</p> <p>20 BY MS. WEINTRAUB:</p> <p>21 Q. Do you recognize these pictures?</p> <p>22 A. That's me -- yeah.</p> <p>23 Q. Okay. You say yeah, you're looking at an e-mail</p> <p>24 from Dawn Thomason to Bruce; right? With Bruce Weber,</p> <p>25 and it says -- what does it say?</p>		

JASON BOYCE

July 09, 2019

<p>1 remember sending another one the following year? He's 2 very bossy. 3 MR. ETRA: Make a copy at a break. 4 BY MS. WEINTRAUB: 5 Q. Here's the question. Do you recognize it? 6 A. I do, yes. 7 Q. Okay. Did you take that picture to send to 8 Bruce Weber, what we just showed you? 9 A. I don't remember. 10 MS. LEVINE-GRONNINGSATER: Can we mark it as an 11 exhibit so it's on the record. You can give me a copy 12 later, if you need to. 13 MS. WEINTRAUB: 26. 14 (Exhibit 26 marked.) 15 BY MS. WEINTRAUB: 16 Q. Yes, that picture was taken, sent to Bruce Weber 17 by David Todd, 2014; right? 18 A. Yes. 19 Q. Now, earlier in 2014, you texted David Todd 20 about maybe sending another nude to Bruce Weber or 21 somebody. 22 Do you remember that? 23 A. I don't remember that. 24 MR. BERNSTEIN: 946. 25 MS. WEINTRAUB: Twenty-seven.</p>	<p>Page 114</p> <p>1 (Exhibit 27 marked.) 2 BY MS. WEINTRAUB: 3 Q. "If I take a naked one, maybe send it to Bruce 4 Weber or somebody." 5 That's you writing a text to David Todd, is it 6 not? 7 MS. LEVINE-GRONNINGSATER: Objection, that's not 8 what it says. 9 MS. WEINTRAUB: "If I take a naked one, maybe 10 send it to a Bruce Weber or somebody," that is what it 11 says. 12 MS. LEVINE-GRONNINGSATER: "A Bruce Weber." 13 THE WITNESS: "Send it to a Bruce Weber or 14 somebody." 15 BY MS. WEINTRAUB: 16 Q. Right? 17 A. Yes. 18 Q. By that time, you were 28 years old? 19 A. Yes. 20 Q. Fair to say you were getting a little more 21 desperate to get some work? 22 A. More desperate? I mean... 23 Q. Well, by December 2014, we've already 24 established you didn't make any money modeling, getting 25 frustrated?</p>	<p>Page 115</p>
<p>1 A. I wanted to work. 2 Q. Would you agree that it was frustrating? 3 A. Yeah, to a point. I wanted to work. 4 Q. So I would imagine you were frustrated and 5 disappointed that you weren't able to get work, week 6 after week, month after month, the whole year -- 7 MS. LEVINE-GRONNINGSATER: Objection -- 8 MS. WEINTRAUB: -- weren't you? 9 MS. LEVINE-GRONNINGSATER: Is there a question? 10 BY MS. WEINTRAUB: 11 Q. Weren't you? 12 A. I know that I wanted to get work. 13 Q. Okay. Well, my question is, weren't you 14 frustrated or disappointed -- 15 A. There were times where I was frustrated and 16 times where I was disappointed that I was not getting 17 work, yes. 18 Q. Now, it wasn't until Jason Kanner later reached 19 out with a non nude, as we talked about already, in 20 December 2014, that a go-see was actually set up with 21 Bruce Weber; correct? 22 A. Correct. There was a time where David Todd sent 23 a nude to Bruce. And the only reason we didn't meet up 24 is because I was on a job and I couldn't leave to go 25 meet with him. He wanted me to meet with him in his</p>	<p>Page 116</p> <p>1 hotel, I believe. 2 Q. And when was that? 3 A. 2000- -- it's in one of these. 4 Q. And why do you say that he wanted you to meet in 5 a hotel? 6 A. Because that's where he was. 7 Q. You're sure of that? 8 A. That's what David told me. 9 Q. And that's your sworn testimony? 10 A. Yeah, he called me. I was in my trailer. I was 11 on a commercial shoot for Lexus. He called me --- 12 Q. When was this? 13 A. 2012, I believe. He called me. He said that 14 Bruce -- can you leave right now, Bruce wants to meet 15 with you. And I said I can't leave set. And he said, 16 okay, I'll try and get another date. And it just never 17 worked out, because I'm sure Bruce is a very busy guy. 18 Q. So listen to my question. 19 A. Okay. 20 Q. There was nothing that was set up in 2012. He 21 might have been willing to see you, but there was 22 nothing set up. Agreed? Yes or no. 23 A. I mean that's kind of how a go-see works. 24 Q. Well, doesn't a go-see kind of work like you set 25 something up? How long exact- -- did that Lexus</p>	<p>Page 117</p>

<p>1 commerc- -- let me finish -- how long did the Lexus 2 commercial last, filming?</p> <p>3 A. Two days.</p> <p>4 Q. Okay. So in two days after that, why don't I 5 see a text, can you please set that up now? Hey, DT, 6 what happened with setting up a -- the Bruce Weber 7 go-see? Where are those texts?</p> <p>8 A. I believe I did contact him.</p> <p>9 Q. Where's the text?</p> <p>10 A. I don't think it was through text. I believe I 11 called him. And he said that, you know, Bruce was busy; 12 that basically my -- my time had passed. He couldn't 13 meet up with me at that time.</p> <p>14 Q. Okay. So, obviously, he wasn't that interested 15 in pursuing you, that nothing happened again for two or 16 three more years; right?</p> <p>17 MS. LEVINE-GRONNINGSATER: Objection, form.</p> <p>18 THE WITNESS: I don't know. I don't know what 19 he was thinking, but I know that it was set up. Go-sees 20 are sometimes formal and sometimes informal.</p> <p>21 BY MS. WEINTRAUB:</p> <p>22 Q. Was it set up or he was asking where you were? 23 I mean, let's be very --</p> <p>24 A. Okay.</p> <p>25 Q. -- particular about words.</p>	<p>Page 118</p> <p>1 Because I'm going to challenge you and say he 2 might have been willing to see you because David Todd 3 was asking. There was no mention of a hotel at all. 4 And I'll also remind you that you're under oath. 5 Do you have a recollection of anything being set 6 up more than he's asking where you are.</p> <p>7 A. My recollection is, on the phone call, he said 8 that Bruce was willing to meet me right now, if I was 9 willing to meet him. From what I remember, my 10 recollection, Bruce was at a hotel, somewhere in 11 Los Angeles. That was on the phone call.</p> <p>12 Q. And so you said to David Todd, oh, my God, I can 13 meet him tonight.</p> <p>14 A. No.</p> <p>15 Q. Because you couldn't leave?</p> <p>16 A. No, I was there until probably 2:00 in the 17 morning.</p> <p>18 Q. At the go-see for Bruce Weber in December, 19 didn't you expect to take nude shots with Bruce Weber at 20 that go-see just like you did with Darren Tieste?</p> <p>21 A. I knew that it was a possibility, but I didn't 22 know, for sure.</p> <p>23 Q. Well, you said that one of the things that you 24 -- you were familiar with Bruce Weber's work?</p> <p>25 A. Yes.</p>
<p>1 Q. And you know that he's known for his nude black 2 and whites of men?</p> <p>3 A. Yes.</p> <p>4 Q. So what did you expect when you were going to 5 shoot with him, that it wouldn't be a nude shoot?</p> <p>6 A. Not all of his pictures are nude.</p> <p>7 Q. You were certainly willing to do a nude shoot, 8 weren't you?</p> <p>9 A. Yes.</p> <p>10 Q. Because that's why you were sending him the 11 nudes; right?</p> <p>12 A. I was willing to do a nude shoot.</p> <p>13 Q. And you were sending Bruce Weber nude pictures 14 of you, weren't you?</p> <p>15 A. My agent, at my behalf, was sending.</p> <p>16 Q. Nude pictures?</p> <p>17 A. Nude pictures.</p> <p>18 Q. Of you?</p> <p>19 A. Of me.</p> <p>20 Q. So 2009, '10, '11, '12, we've talked about '13 21 and '14, the nudes, nothing comes of, you're not shot or 22 seen by Bruce Weber.</p> <p>23 Q. Agreed?</p> <p>24 A. Agreed.</p> <p>25 Q. Despite all of that, Jason Kanner sends him no</p>	<p>Page 120</p> <p>1 nudes, thanks him, and gets it -- a go-see arranged for 2 December; right?</p> <p>3 A. Correct.</p> <p>4 Q. Why were you still pursuing Bruce Weber after 5 five years?</p> <p>6 A. I wanted to shoot with him.</p> <p>7 Q. Hmm?</p> <p>8 A. I wanted to work with him.</p> <p>9 Q. Did you ever reach out to anyone else that had 10 shot with Bruce Weber?</p> <p>11 A. Models?</p> <p>12 Q. Yeah.</p> <p>13 A. I don't recall.</p> <p>14 Q. So there were, like, three years of trying to 15 get Bruce Weber to notice you, and for whatever reason, 16 like so many others, you were rejected.</p> <p>17 Q. Agreed?</p> <p>18 A. Agreed.</p> <p>19 Q. And did you know that David Todd said that he's 20 never had a model so relentlessly pursue one 21 photographer in his whole life.</p> <p>22 Q. Did you know that?</p> <p>23 A. I didn't know that.</p> <p>24 Q. Are you surprised to hear that?</p> <p>25 A. A little, yeah.</p>

<p>1 it, didn't you?</p> <p>2 A. No, I didn't.</p> <p>3 Q. You weren't interested?</p> <p>4 A. I mean, I was, but I just -- I never got it. I</p> <p>5 don't know -- it's a regular -- readily available</p> <p>6 magazine.</p> <p>7 Q. Did you get any bookings from that?</p> <p>8 A. Not that I remember.</p> <p>9 Q. Okay. So did the stars turn over for you?</p> <p>10 A. No, they didn't.</p> <p>11 Q. Heavens didn't open?</p> <p>12 A. No.</p> <p>13 Q. No great opportunities coming?</p> <p>14 A. Not that --</p> <p>15 Q. Correct?</p> <p>16 A. From that shoot, not that I remember, no.</p> <p>17 Q. You see where I'm going? Steven Klein's a big</p> <p>18 prominent photographer. Yes?</p> <p>19 A. Yes.</p> <p>20 Q. You shot with Steven Klein.</p> <p>21 A. I did.</p> <p>22 Q. Nothing came of it; right? No big opportunities</p> <p>23 came from it; correct? We just went through this. You</p> <p>24 want it read back to you?</p> <p>25 MS. LEVINE-GRONNINSATER: Objection.</p>	Page 126	Page 127
<p>1 BY MS. WEINTRAUB:</p> <p>2 Q. If any. And if it's a wish, you can say that.</p> <p>3 A. I was determined. I wanted to -- I wanted to</p> <p>4 shoot with Bruce Weber. I wanted to shoot with as many</p> <p>5 prominent photographers as I could.</p> <p>6 Q. But when you did shoot with a prominent</p> <p>7 photographer, nothing happened. Didn't you --</p> <p>8 A. One instance, yes, it didn't happen.</p> <p>9 Q. Okay. Do you -- when you were little, did you</p> <p>10 believe in Santa Clause?</p> <p>11 A. I did.</p> <p>12 Q. So there comes a time when you don't; right?</p> <p>13 A. Sure.</p> <p>14 Q. Okay. My question is, like that little kid</p> <p>15 believing in Santa Clause, doesn't there come a time</p> <p>16 when you are faced with reality, that Santa Clause</p> <p>17 doesn't really exist?</p> <p>18 A. I believe there's a difference between your</p> <p>19 career and believing in Santa Clause.</p> <p>20 Q. Who's Joe Lally?</p> <p>21 A. He is a photographer.</p> <p>22 Q. And he took some pictures for your book?</p> <p>23 A. Yes, he did.</p> <p>24 Q. You asked him to send pictures to Jason Kanner</p> <p>25 and David Todd, your agents; right?</p>	Page 128	Page 129

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<p>Page 130</p> <p>1 Barney's, and he's gonna do this -- so you gotta do -- 2 you know, gotta do this right; right? 3 A. He told me that this was a big opportunity for 4 me. 5 Q. Did he have to tell you that? 6 A. Probably not. I knew it was a big opportunity, 7 but he told me it was a big opportunity. 8 Q. It was your words that it was -- an opportunity 9 that you had been trying to get year after year after 10 year. This is what you wanted. 11 A. I mean, yes, it's what I wanted, but it's also 12 what my agent wants, as well. It's advantageous for 13 both of us. 14 Q. November 24th, when Kanner tells you all this, 15 he tells you -- he gives you Bruce Weber's phone number. 16 And he said Bruce Weber said to call him; right? 17 A. Correct. 18 Q. And you did? 19 A. I did. 20 Q. That night, you took a selfie of yourself; 21 right? 22 A. Yes. 23 Q. To send to Bruce Weber; right? 24 A. Correct. 25 Q. You tell him what a pleasure it was to talk to </p>	<p>Page 131</p> <p>1 him, or whatever; right? Do you remember this? 2 A. That sounds right, yes. 3 Q. We're going to get it for you. 4 A. Okay, thank you. 5 Q. And you write, "Now I'm going to get to work on 6 my love handles." 7 Do you remember that? 8 A. Yeah. 9 (Exhibit 30 marked.) 10 BY MS. WEINTRAUB: 11 Q. So this is Exhibit 30. And I'm showing you 12 conversation by text from March 14th, 2015, "Thank you, 13 Mr. Weber. See you soon. I'm going to work on my love 14 handles." Yes? 15 A. Yep. 16 Q. You sent that to Bruce Weber? 17 A. I did. 18 Q. On December 12th, Jason Kanner calls and tells 19 you to go meet him -- go meet Bruce Weber at Tiffany's; 20 right? 21 A. Yes. 22 Q. What was your reaction? You were excited; 23 right? 24 A. Yeah, I was very excited. 25 Q. What happened when you went there, when you went </p>
<p>Page 132</p> <p>1 to Tiffany's? 2 A. From what I recall, he was looking at jewelry. 3 He asked me to wait outside. 4 Q. It was Christmastime? 5 A. Yes -- yeah. 6 Q. Busy? 7 A. Yeah -- 8 Q. The store was busy? 9 A. Yeah, it was a really small jewelry shop. It 10 was just kinda -- from what I remember, where we were, 11 it was pretty small. 12 Q. You mean the department that you were in in 13 Tiffany's? 14 A. I don't -- 15 Q. You don't rem- -- hold on, let me take this way 16 back. 17 Did you go to Tiffany's, or is it another 18 jewelry store you're talking about? 19 A. From my recollection, it was a different jewelry 20 store. I don't remember being in Tiffany's. It was 21 like a boutique jewelry store. 22 Q. Did Jason Kanner text you where to go? 23 A. I believe so. 24 Q. Fair to say that obviously being able to just 25 meet Bruce Weber at that point, face-to-face, was kind </p>	<p>Page 133</p> <p>1 of a dream come true at that point? 2 A. It was a very big opportunity, yes. 3 Q. Would you agree it was a dream come true? 4 A. It was a very big opportunity. 5 Q. It was something you had been dreaming about and 6 pursuing for fix or six years. Aside from being a big 7 opportunity, wouldn't you agree it was a dream come true 8 to just be meeting him? Yes or no. 9 A. It was a big opportunity for me I was very 10 excited about. 11 Q. I need you to answer the question yes or no. 12 A. I wouldn't categorize it as a dream come true. 13 Q. Well, weren't you wishing and hoping to get with 14 Bruce Weber? 15 A. Sure, but I wasn't dreaming about Bruce Weber. 16 I wasn't -- I wasn't in love with Bruce Weber. I wanted 17 to -- 18 Q. I didn't ask you that. You're being kind of 19 defensive, to be honest. 20 A. I'm just trying to clarify what I'm saying. 21 It's not -- I wasn't dreaming about it, you know. It 22 was a big opportunity. It was an opportunity I had 23 strived for, for many years. Like business, when you 24 get a business opportunity, you're excited. 25 Q. Okay. Well, you're talking about, like, </p>

<p>1 business. We have very different --</p> <p>2 A. Yes.</p> <p>3 Q. -- understandings, because this pre-summer</p> <p>4 update with your penis hanging out and zoomed in penises</p> <p>5 all over the place, for business, isn't my idea of</p> <p>6 business. So I can't understand your answer. That's</p> <p>7 why I need you to answer in my language --</p> <p>8 A. Okay.</p> <p>9 Q. -- which is, it seems to me, as if -- I don't</p> <p>10 mean literally, dreaming, fantasizing. I mean, you were</p> <p>11 dreaming, striving, desperate, trying year after year,</p> <p>12 persistently to get in front of this man, and you</p> <p>13 finally do.</p> <p>14 Wasn't that a dream come true?</p> <p>15 MS. LEVINE-GRONNINGSATER: Objection,</p> <p>16 argumentative; asked and answered. He's answered in his</p> <p>17 language. It's not -- you can't keep asking the same</p> <p>18 question just because you don't like the answer that</p> <p>19 he's given.</p> <p>20 THE WITNESS: So can I clarify about the</p> <p>21 different worlds? Business in modeling and business in</p> <p>22 your world are two separate things. We can get into the</p> <p>23 business in modeling if we want to. But it is -- that</p> <p>24 is business in modeling.</p> <p>25 ///</p>	Page 134	Page 135
<p>1 year?</p> <p>2 A. I pursued it, yes, I did.</p> <p>3 Q. And so why don't you agree it was a dream come</p> <p>4 true, just to meet the guy?</p> <p>5 MS. LEVINE-GRONNINGSATER: Objection,</p> <p>6 argumentative.</p> <p>7 THE WITNESS: All I can tell you is, in my mind,</p> <p>8 I was ecstatic that I would have the opportunity to work</p> <p>9 with him. Whether we became best friends or not, that</p> <p>10 did not matter to me.</p> <p>11 MS. WEINTRAUB: I didn't ask you about being</p> <p>12 best friends.</p> <p>13 THE WITNESS: Understood. I'm just clarifying</p> <p>14 the difference.</p> <p>15 BY MS. WEINTRAUB:</p> <p>16 Q. So Bruce Weber was Christmas shopping.</p> <p>17 MS. LEVINE-GRONNINGSATER: Objection, form.</p> <p>18 BY MS. WEINTRAUB:</p> <p>19 Q. Bruce Weber was Christmas shopping when you met</p> <p>20 him?</p> <p>21 A. He was shopping, yes.</p> <p>22 Q. And he told you, and you had to wait ten minutes</p> <p>23 or something?</p> <p>24 A. Yeah, he asked if I could wait outside.</p> <p>25 Q. And how long did you wait?</p>	Page 136	Page 137

<p style="text-align: right;">Page 138</p> <p>1 shoot; the go-see was meeting him at the jewelry store.</p> <p>2 Q. And once again, just coincidentally, there's no 3 document of that, is there?</p> <p>4 A. Apparently not.</p> <p>5 Q. Bruce Weber told you what to wear?</p> <p>6 A. I don't recall that. I just remember he asked 7 me not to shave.</p> <p>8 Q. By the way, there was no discussion about 9 whether or not he was going to take some pictures for 10 you; right? It had already been agreed to. We've 11 already covered that.</p> <p>12 A. Yes.</p> <p>13 Q. Okay. So the decision had been made that he was 14 going to photograph you; correct?</p> <p>15 MS. LEVINE-GRONNINGSATER: Objection, calls for 16 speculation.</p> <p>17 MS. WEINTRAUB: We've already talked about all 18 that with -- we're just going backwards now. We talked 19 about November, Jason Kanner told you that Bruce Weber 20 agreed to take some pictures for you; you said yes.</p> <p>21 THE WITNESS: To my recollection, yes.</p> <p>22 BY MS. WEINTRAUB:</p> <p>23 Q. Okay. So now my question is, it wasn't as if 24 Bruce Weber is pursuing you now. You're still pursuing 25 him, you want him to take pictures. This is the</p>	<p style="text-align: right;">Page 139</p> <p>1 invitation from Jason Kanner with Bruce Weber; right?</p> <p>2 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>3 MS. WEINTRAUB: You have to answer this.</p> <p>4 THE WITNESS: Can you rephrase that for me?</p> <p>5 MS. WEINTRAUB: Yes, I can.</p> <p>6 BY MS. WEINTRAUB:</p> <p>7 Q. So there was no decision at -- when you met at 8 the jewelry store that -- whether or not Bruce Weber was 9 going to photograph you. He was telling you what to 10 wear for the photographs; correct?</p> <p>11 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>12 MS. WEINTRAUB: You can answer the question.</p> <p>13 THE WITNESS: Bruce Weber said that he would set 14 it up with Jason, and he told me not to shave.</p> <p>15 BY MS. WEINTRAUB:</p> <p>16 Q. Because it was a done deal that he'd already 17 agreed to Jason that he would take the pictures; 18 correct?</p> <p>19 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>20 THE WITNESS: At the -- are you talking about 21 before I met him at the jewelry store?</p> <p>22 MS. WEINTRAUB: Yes.</p> <p>23 MS. LEVINE-GRONNINGSATER: I don't know.</p> <p>24 BY MS. WEINTRAUB:</p> <p>25 Q. You didn't know?</p>
<p style="text-align: right;">Page 140</p> <p>1 A. No, not that I remember.</p> <p>2 Q. Okay. So is it your position that Bruce Weber 3 initiated this in wanting to take your pictures.</p> <p>4 Is that really your position?</p> <p>5 A. My recollection is that from the go-see -- after 6 the go-see --</p> <p>7 Q. Let's not talk about go-see, because I don't 8 know what you're talking about.</p> <p>9 MS. LEVINE-GRONNINGSATER: Counsel, you need to 10 let him finish answering the question.</p> <p>11 THE WITNESS: So, from my recollection, the 12 meeting that we had at the jewelry store, I didn't know 13 whether he was going to shoot me yet or not, from my 14 recollection.</p> <p>15 MS. WEINTRAUB: Let's take a break. Lunch is 16 here, let's take a break. Is that okay?</p> <p>17 MS. LEVINE-GRONNINGSATER: Agreed.</p> <p>18 THE VIDEOGRAPHER: We are now going off the 19 video record. The time is approximately 1:23 p.m.</p> <p>20 (Off the record.)</p> <p>21 THE VIDEOGRAPHER: We are now going back on the 22 video record. The time is approximately 2:05 p.m.</p> <p>23 MS. WEINTRAUB: Oh, okay, yeah, yeah, okay, 24 okay, okay, okay, okay -- all right. I'm going to put 25 you in a corner. All right.</p>	<p style="text-align: right;">Page 141</p> <p>1 BY MS. WEINTRAUB:</p> <p>2 Q. I just want to go back to two things and have 3 you clarify them for me. There was a conversation -- 4 I'm not even going to start to go into the weeds of 5 these numbers and look for an exhibit. But there was a 6 conversation we talked about, November 2014, where you 7 called Bruce and you, then, sent him the -- I'll give 8 you a context. You then sent him the love handles text 9 after.</p> <p>10 Do you remember that? You don't have to go --</p> <p>11 A. Is that this one right here?</p> <p>12 Q. Exactly.</p> <p>13 A. All right.</p> <p>14 Q. Okay. So I just want you to go into context of 15 where I'm going to question you, okay?</p> <p>16 So that picture came about because prior to 17 that -- first, there was a conversation between you and 18 Jason Kanner, and he tells you that he got Bruce -- and 19 we already went through that. He got Bruce to take -- 20 agree to take pictures of you. Right? That's November 21 of 2014? Yes?</p> <p>22 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>23 BY MS. WEINTRAUB:</p> <p>24 Q. Yes?</p> <p>25 A. In November of 2014, after the -- after I met</p>

<p style="text-align: right;">Page 142</p> <p>1 Bruce, at the jewelry store --</p> <p>2 Q. No, no. And I don't mean to cut you off, but</p> <p>3 I'm going to cut you off because that's not where I am.</p> <p>4 A. Before that.</p> <p>5 Q. Nov- -- yeah. November -- when you first found</p> <p>6 out, you -- that he agreed to shoot you, okay?</p> <p>7 A. Yes.</p> <p>8 Q. Jason Kanner calls you and says, here's Bruce</p> <p>9 Weber's phone number, he wants you to call him, and you</p> <p>10 called him.</p> <p>11 MS. LEVINE-GRONNINGSATER: Objection, misstates</p> <p>12 prior testimony.</p> <p>13 BY MS. WEINTRAUB:</p> <p>14 Q. Do you remember that?</p> <p>15 A. I remember -- I remember calling him, but I -- I</p> <p>16 didn't know he was going to shoot me until after I met</p> <p>17 with him at -- at the jewelry store.</p> <p>18 Q. Okay. So my question is -- I need you to focus,</p> <p>19 keep going back.</p> <p>20 A. Okay.</p> <p>21 Q. The focus is on the conversation you had with</p> <p>22 Bruce Weber.</p> <p>23 A. Okay.</p> <p>24 Q. November 2014. That's where we are, that's</p> <p>25 where I'm questioning you.</p>	<p style="text-align: right;">Page 143</p> <p>1 A. Okay.</p> <p>2 Q. Tell me what that conversation was. Did you</p> <p>3 say, hi, Mr. Weber, this is Jason Boyce?</p> <p>4 A. Yes, small talk.</p> <p>5 Q. Okay. So tell me, to the best of your</p> <p>6 recollection -- I mean, this was a big deal. You were</p> <p>7 talking to Bruce Weber finally. What did he tell you?</p> <p>8 Or you don't remember any of that?</p> <p>9 A. I mean, I remember it was unimportant, small</p> <p>10 talk.</p> <p>11 Q. And that's it?</p> <p>12 A. Yeah.</p> <p>13 Q. Then you hang up the phone?</p> <p>14 A. Yes.</p> <p>15 Q. Nothing else of any consequence happens then;</p> <p>16 right?</p> <p>17 A. Not that I remember.</p> <p>18 Q. And then you send the text; right?</p> <p>19 A. I did send this will text, yes.</p> <p>20 Q. And the text says, sorry, the connection was a</p> <p>21 little bad. Such a pleasure talking to you. Now I'm</p> <p>22 going to go work on my love handles?</p> <p>23 A. Yes, yes.</p> <p>24 Q. Okay. After that, the next communication with</p> <p>25 Bruce Weber is at the jewelry store, Tiffany's, or</p>
<p style="text-align: right;">Page 144</p> <p>1 wherever?</p> <p>2 A. Yes.</p> <p>3 Q. Tell me what the conversation was at Tiffany's</p> <p>4 or whatever.</p> <p>5 A. Okay. It was -- again, he asked me how long I'd</p> <p>6 been in New York, he asked me, you know, where I was</p> <p>7 from, a lot of small talk.</p> <p>8 Q. How long did you talk to him?</p> <p>9 MS. LEVINE-GRONNINGSATER: Counsel, please let</p> <p>10 the witness finish answering the question and then you</p> <p>11 can ask another question.</p> <p>12 MS. WEINTRAUB: Answer the ques- -- I -- I did</p> <p>13 let him finish the answer. He said it was a lot of</p> <p>14 small talk, and I wanted to know how long was this</p> <p>15 conversation.</p> <p>16 MS. LEVINE-GRONNINGSATER: Were you finished</p> <p>17 answering the question?</p> <p>18 THE WITNESS: I wasn't, but... I don't remember</p> <p>19 exactly. It was probably 15 minutes, 20 minutes, tops.</p> <p>20 From what I recollect, from what I recall. And, again,</p> <p>21 you know, he said that I had a great look and --</p> <p>22 BY MS. WEINTRAUB:</p> <p>23 Q. Say that again, I didn't hear you.</p> <p>24 A. He said that I had a great look and he wanted me</p> <p>25 to keep -- I had some stubble at the time. He said, you</p>	<p style="text-align: right;">Page 145</p> <p>1 know, keep that stubble, you know, when I shoot you.</p> <p>2 Q. What else did he say?</p> <p>3 A. That's all I remember.</p> <p>4 Q. Did he tell you what to wear?</p> <p>5 A. I don't remember him telling me what to wear.</p> <p>6 Q. Okay. That was it?</p> <p>7 A. To the best of my knowledge, yes, that's it.</p> <p>8 Q. Okay. Now, on -- it was left that Jason Kanner,</p> <p>9 your agent, and Bruce Weber were going to arrange the</p> <p>10 details of when he was going to take your picture and</p> <p>11 where; yes?</p> <p>12 A. Yes.</p> <p>13 Q. So how do you find out where to go?</p> <p>14 A. Jason Kanner.</p> <p>15 Q. Jason Kanner tells you that -- what?</p> <p>16 A. He told me the time and the place where Bruce</p> <p>17 was going to meet me.</p> <p>18 Q. What time was that?</p> <p>19 A. I don't remember the exact time.</p> <p>20 Q. What date were you going to meet?</p> <p>21 A. I don't remember the exact date. It was early</p> <p>22 -- I believe December, I believe. I don't -- I don't</p> <p>23 recall the exact date.</p> <p>24 Q. Was it -- it was -- well, looking at Exhibit 31,</p> <p>25 it's an e-mail from Jason Kanner to Bruce Weber;</p>

<p style="text-align: right;">Page 146</p> <p>1 subject: Jason Boyce. "I know Jason Boyce has been 2 trying to set up a time to see you."</p> <p>3 How were you trying to set up a time to see him?</p> <p>4 A. I don't remember.</p> <p>5 Q. "I know you're busy. I really appreciate that 6 you'll see him. Let me know if there's anything I can 7 do to help. Also, thank you for putting Braden on hold. 8 I'm so glad you like him."</p> <p>9 That's Exhibit 31; agreed?</p> <p>10 A. Yes.</p> <p>11 (Exhibit 31 marked.)</p> <p>12 BY MS. WEINTRAUB:</p> <p>13 Q. So Kanner is saying here, if you can read it --</p> <p>14 A. Uh-huh.</p> <p>15 Q. -- that he appreciates Bruce making the time to 16 see him -- meaning you as the him; right?</p> <p>17 A. Yeah.</p> <p>18 Q. Okay. So December 15th, it was arranged that 19 you would go to the Little Bear studio; right? At some 20 point. You have to say "yes" or "no."</p> <p>21 A. Yes, yes, at some point.</p> <p>22 Q. You didn't have to pay for these pictures; 23 right?</p> <p>24 A. I don't think so.</p> <p>25 Q. Well, you know you didn't; right?</p>	<p style="text-align: right;">Page 147</p> <p>1 A. Well, not necessarily. Sometimes you'll go on a 2 test shoot and you'll get a bill from your agency six 3 months later that you owe them \$600 for that test shoot.</p> <p>4 But they don't really disclose that before you go.</p> <p>5 Q. Okay. So let's talk about -- what's this test 6 shoot for?</p> <p>7 A. With Bruce Weber?</p> <p>8 Q. Uh-huh.</p> <p>9 A. It was to -- it was -- I would characterize it 10 as an interview with Bruce Weber.</p> <p>11 Q. Well, you say it's a test shoot.</p> <p>12 A. Right.</p> <p>13 Q. Okay. So what was the test for?</p> <p>14 A. To see if he can work well with you, if he likes 15 you, if he wants to use you for any future projects that 16 he has.</p> <p>17 Q. Those were all the things that you expressed 18 earlier that you were hoping; right?</p> <p>19 A. Sure.</p> <p>20 Q. Okay. You were hoping, if he took your picture, 21 that he would pick you for something; right?</p> <p>22 A. Yes.</p> <p>23 Q. You were hoping that if he liked you, that maybe 24 it would lead to another bigger opportunity?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 148</p> <p>1 Q. Right? You were hoping that if somebody saw 2 pictures that Bruce Weber took of you, that somebody 3 else might want you to do something and -- and -- it 4 would be another opportunity; yes?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. It wasn't like a casting, it wasn't for 7 anything specific; correct?</p> <p>8 A. It was not for a specific job.</p> <p>9 Q. Okay. Who told you to say that it was an 10 interview with Bruce Weber?</p> <p>11 A. Nobody told me to say it was an interview with 12 Bruce Weber.</p> <p>13 Q. Is this the very first time that you're 14 referring to this shoot as an interview?</p> <p>15 A. Myself? No.</p> <p>16 Q. Yes. No, you've talked about it before?</p> <p>17 A. I have, yes.</p> <p>18 Q. Where?</p> <p>19 A. I've talked about it with Anna.</p> <p>20 Q. Let's talk about that day. Do you have a good 21 recall of that day?</p> <p>22 A. Pretty good recall.</p> <p>23 Q. Okay. You need to keep your voice up.</p> <p>24 A. I'm sorry.</p> <p>25 Q. I know that it's after lunch, but we still have</p>	<p style="text-align: right;">Page 149</p> <p>1 to speak loud enough so that it can be transcribed 2 properly.</p> <p>3 Do you have a good recall of that day?</p> <p>4 A. I have a good recall of that incident, I do, 5 that day.</p> <p>6 Q. Okay. So what day of the week was it?</p> <p>7 A. I don't remember.</p> <p>8 Q. Was it cold out?</p> <p>9 A. I don't remember.</p> <p>10 Q. Can you see the image in your mind of going to 11 the door?</p> <p>12 A. I can. I can see the image of me --</p> <p>13 Q. What are you wearing?</p> <p>14 MS. LEVINE-GRONNINGSATER: Counsel, please let 15 him finish answering the question.</p> <p>16 MS. WEINTRAUB: Your tone of voice has got to 17 stop, please.</p> <p>18 MS. LEVINE-GRONNINGSATER: You need to stop 19 interrupting him.</p> <p>20 MS. WEINTRAUB: I thought he was finished.</p> <p>21 MS. LEVINE-GRONNINGSATER: He was not finished 22 and it was very clear that he was not finished.</p> <p>23 MS. WEINTRAUB: I'm not going to engage with 24 you. I'm really not.</p> <p>25 MS. LEVINE-GRONNINGSATER: I'll keep objecting.</p>

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<p>Page 150</p> <p>1 And eventually what's going to happen is we're going to 2 have to call it. I'm going to have to go get a 3 protective order --</p> <p>4 MS. WEINTRAUB: I'm going to minus -- you want 5 to have a whole litany of stuff, and go off the record, 6 we can do that, or you can just --</p> <p>7 MS. LEVINE-GRONNINGSATER: I'm happy -- I think 8 this should be on the record.</p> <p>9 MS. WEINTRAUB: I don't like your tone of voice 10 with me --</p> <p>11 MS. LEVINE-GRONNINGSATER: I don't like that you 12 keep interrupting him, Counsel.</p> <p>13 MS. WEINTRAUB: It wasn't intentional.</p> <p>14 MS. LEVINE-GRONNINGSATER: I'm just reminding 15 you, politely, please, stop interrupting the witness.</p> <p>16 THE WITNESS: I do not remember what I was 17 wearing that day.</p> <p>18 BY MS. WEINTRAUB:</p> <p>19 Q. You have a clear recollection of it, the day?</p> <p>20 A. About the day?</p> <p>21 Q. Uh-huh.</p> <p>22 A. I have a clear recollection of the incident of 23 that day, yes.</p> <p>24 Q. Okay. So when I say clear recollection, I need 25 to know that you have a -- a mental picture, in your</p>	<p>Page 151</p> <p>1 mind, of what you're saying. Okay? That's my 2 understanding of a clear image.</p> <p>3 A. Okay.</p> <p>4 Q. Do you have a clear image of going to the door?</p> <p>5 A. I do.</p> <p>6 Q. Ringing the bell?</p> <p>7 A. I have a clear image of checking with security 8 and going up an elevator.</p> <p>9 Q. What did you have to do with security when you 10 checked in?</p> <p>11 A. Sign in.</p> <p>12 Q. Do you remember the address?</p> <p>13 A. I do not.</p> <p>14 Q. Where were you coming from?</p> <p>15 A. I don't remember.</p> <p>16 Q. What time was it?</p> <p>17 A. Midday.</p> <p>18 Q. Do you remember?</p> <p>19 A. I don't remember the exact time, no, I don't.</p> <p>20 Q. Do you remember if it was midday or are you 21 guessing?</p> <p>22 A. I remember it was midday.</p> <p>23 Q. Okay. So you signed in with security and there 24 was an elevator?</p> <p>25 A. From what I remember, yes.</p>
<p>Page 152</p> <p>1 Q. And what number in the elevator did you push?</p> <p>2 A. I don't remember.</p> <p>3 Q. Was it a regular elevator or that you just -- 4 there were numbers in there?</p> <p>5 A. There were numbers in there.</p> <p>6 Q. Was there an elevator man?</p> <p>7 A. I don't believe there was.</p> <p>8 Q. Was there a receptionist there?</p> <p>9 A. In Little Bear Studios?</p> <p>10 Q. Uh-huh.</p> <p>11 A. Not that I remember.</p> <p>12 Q. Was there a doorman?</p> <p>13 A. Not a doorman.</p> <p>14 Q. You say there was a security person?</p> <p>15 A. That was in the lobby of the building, yes.</p> <p>16 Q. Who greeted you when you arrived?</p> <p>17 A. I don't remember their name. I remember that 18 there were two people there.</p> <p>19 Q. Men or women?</p> <p>20 A. I know -- I know one of them was a man. I'm not 21 -- I don't know why -- I don't know what the other one 22 was.</p> <p>23 Q. Can you describe what they looked like?</p> <p>24 A. No.</p> <p>25 Q. Age?</p>	<p>Page 153</p> <p>1 A. No.</p> <p>2 Q. What were they doing? Were they working?</p> <p>3 A. I guess, I don't know.</p> <p>4 Q. Okay. Were there other people working when you 5 got there?</p> <p>6 A. I only remember two people there.</p> <p>7 Q. And you don't remember what they were doing?</p> <p>8 A. No. Besides showing me in, sorry.</p> <p>9 Q. Okay. Was this the same space that you had been 10 in, in 2011, when you saw Dawn?</p> <p>11 A. I'm not confident -- I'm not confident. I think 12 so. I think it was.</p> <p>13 Q. You had your phone?</p> <p>14 A. I did.</p> <p>15 Q. You take selfies all the time, obviously. We 16 don't need to go into them again; right? But it seems 17 pretty often you're taking pictures or selfies. Now 18 you're in Little Bear Studio with Bruce Weber.</p> <p>19 Did you take pictures on your phone?</p> <p>20 A. Nope.</p> <p>21 Q. Why?</p> <p>22 A. I didn't think that was the right setting to do 23 that.</p> <p>24 Q. Okay. Describe what you see when you -- when 25 the elevator opens, when you get out. Where do you go?</p>

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<p style="text-align: right;">Page 154</p> <p>1 A. I remember walking straight ahead. The door was 2 right in front of the elevator from what I remember. 3 Q. What door? 4 A. The door into Little Bear Studios. 5 Q. You were walking by yourself? 6 A. Yes. 7 Q. And that's when you saw the two other people? 8 A. Yes. 9 Q. And then what? 10 A. They said hello -- I told them -- 11 Q. I'm sorry? 12 A. They said hello. 13 Q. The man and woman? 14 A. Yes. 15 Q. Okay. 16 A. I told them my name. They -- it seemed like 17 they were expecting me. She showed me to a couch that 18 was next to a kitchen. I sat down on the couch, and 19 they said, Bruce will be here shortly, do you want 20 anything to drink; I said no. And then I just -- that 21 was it. I waited for Bruce to get there. 22 Q. Okay. And you're sitting on the couch, and when 23 did you see Mr. Weber? 24 A. It was about ten minutes later, and he came in. 25 Q. Okay. Where does he come from?</p>	<p style="text-align: right;">Page 155</p> <p>1 A. My back was towards the front of the studio, so 2 I wasn't sure where he came from. 3 Q. Okay. And where do you -- do you go somewhere 4 with Mr. Weber? 5 A. Yes. 6 Q. Where? 7 A. So in the back corner, it's like a back left 8 corner, if I'm remembering correctly -- because I 9 remember windows in front of me -- there's a big sliding 10 door, and it was back in that room. 11 Q. Okay. Again, you have an image in your mind, 12 he's leading you into the studio -- 13 A. Him -- 14 Q. You can see that? 15 A. I can see him and the other two people were 16 there, as well. 17 Q. Okay. You said there's a sliding door. Was it 18 closed? 19 A. After -- not when we first walked in, I don't 20 believe. 21 Q. Who closed the door -- I'm sorry. 22 A. When she showed me in, there was a bench. Like 23 a -- kind of like a picnic bench of sorts. So I sat 24 down there. Bruce Weber had a discussion with one of 25 the assistants for like a minute or the two --</p>
<p style="text-align: right;">Page 156</p> <p>1 Q. The man or the woman? 2 A. I can't recall. 3 Q. Is that who you recall -- I just want to know, 4 is there another assistant you're talking to? 5 A. No, the two people, that's it. 6 Q. Okay, okay. 7 A. They discussed something very quickly, and then 8 they left and closed the door behind them. 9 Q. So who closed the door? 10 A. I don't know. 11 Q. But the doors were closed? 12 A. The doors were closed. 13 Q. And was it locked? 14 A. Not that I remember. 15 Q. And can you describe the door? You said it's a 16 sliding door. 17 A. From what I recall, I believe it was a sliding 18 door. 19 Q. Okay. But it's closed shut? 20 A. It's closed shut. 21 Q. Okay. And you don't know if it's locked? 22 A. I don't know. 23 Q. Okay. And you're on the inside of this closed 24 door with Bruce Weber and who else? 25 A. Just me and Bruce.</p>	<p style="text-align: right;">Page 157</p> <p>1 Q. Okay. And the kitchen is right nearby? 2 A. It's outside the room. 3 Q. Okay. Were the cameras set up for the shoot? 4 A. He has -- I don't know the name of the camera. 5 It's like an old school camera that he has to, like, 6 windup, I guess -- I don't know what's that's called. 7 Q. It was a digital camera; right? 8 A. I don't know -- 9 Q. Or was it film? 10 A. I think it was film. I'm not sure -- I had 11 never seen -- it wasn't like your Nokia camera, from 12 what I remember. But he had a couple of cameras with 13 him and then they were on the table. 14 Q. What table? 15 A. The picnic bench looking table that I was at. 16 Q. Okay. What was Bruce wearing? 17 A. I know -- all I know is he had a scarf on. He 18 had clothes on, obviously, but I don't remember exactly 19 what he was wearing besides the scarf. 20 Q. Okay. Have you -- you've seen many pictures of 21 Bruce Weber? 22 A. Yes. 23 Q. Have you ever seen Bruce Weber without the 24 scarf? 25 A. No, I have not.</p>

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<p>1 BY MS. WEINTRAUB: Page 162</p> <p>2 Q. Okay. Do you know how many windows there are?</p> <p>3 You drew two --</p> <p>4 A. I drew two. I don't know, for a fact, how many</p> <p>5 windows there were.</p> <p>6 Q. Okay. And then there's a bench over there?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Nothing else is in the room?</p> <p>9 A. Not that I remember.</p> <p>10 Q. No chairs, no tables, nothing?</p> <p>11 A. Not that I remember.</p> <p>12 Q. Lamps?</p> <p>13 A. There could have been, I don't remember.</p> <p>14 Q. Okay. You finally meet Bruce Weber. You were</p> <p>15 excited?</p> <p>16 A. Yes.</p> <p>17 Q. Happy?</p> <p>18 A. Yes.</p> <p>19 Q. In a good mood?</p> <p>20 A. Yes.</p> <p>21 Q. What were you wearing?</p> <p>22 A. I don't remember.</p> <p>23 Q. Okay. How long would you estimate that you were</p> <p>24 there from the time that you got out of the elevator to</p> <p>25 the time that you got back into the elevator?</p>	<p>1 A. Forty-five minutes, an hour.</p> <p>2 Q. Do you know?</p> <p>3 A. I don't know, precisely, how long I was there,</p> <p>4 but I know that it was a long time.</p> <p>5 Q. You do know that it was a long time?</p> <p>6 A. From my recollection, it was 45 minutes to an</p> <p>7 hour.</p> <p>8 Q. Okay. You said that -- and I can only go by</p> <p>9 your complaint -- you said that Bruce Weber started</p> <p>10 taking pictures right away. Is that true? You have to</p> <p>11 say yes or no.</p> <p>12 A. Yes, after we had talked a little bit, we sat</p> <p>13 down at this table here.</p> <p>14 Q. Okay.</p> <p>15 A. We talked for about five minutes --</p> <p>16 Q. Hold on. When you say "we sat down," did he sit</p> <p>17 down, too?</p> <p>18 A. Yes, Bruce Weber did sit down.</p> <p>19 Q. And where did you sit and where did he sit?</p> <p>20 A. I sat here, he sat next to me.</p> <p>21 Q. So can you put even a stick figure, put a line,</p> <p>22 and put your name -- or your initials and his initials?</p> <p>23 A. So I was sitting here at this bench; recalling</p> <p>24 now, he had a chair.</p> <p>25 Q. Oh, so now there's a chair in the room?</p>
<p>1 A. There is a chair in the room. Page 164</p> <p>2 Q. What's it look like?</p> <p>3 A. I don't remember what it looked like. But he</p> <p>4 pulled a chair up here. So Bruce was -- Bruce was</p> <p>5 sitting here, I was sitting on this bench.</p> <p>6 Q. And he began to photograph you?</p> <p>7 A. Not here.</p> <p>8 Q. Okay. He started talking to you?</p> <p>9 A. He started talking to me.</p> <p>10 Q. What does he say?</p> <p>11 A. He says, you know, that he's excited to do the</p> <p>12 shoot. He didn't really say a lot. And then --</p> <p>13 Q. Hold on. What did you say?</p> <p>14 MS. LEVINE-GRONNINGSATER: Counsel, please let</p> <p>15 him finish. Even if you think he's answering something</p> <p>16 that you didn't ask, please let him finish, and then you</p> <p>17 can follow-up.</p> <p>18 THE WITNESS: I don't recall what I said.</p> <p>19 BY MS. WEINTRAUB:</p> <p>20 Q. Okay. And you don't recall what he said?</p> <p>21 A. No.</p> <p>22 Q. Okay. How long would you say you sat there?</p> <p>23 A. Five, maybe ten minutes.</p> <p>24 Q. He takes -- he takes one or two pictures of you?</p> <p>25 A. Yes.</p>	<p>1 Q. Okay. And does he say anything? Page 165</p> <p>2 A. He said that I look tense. And then we sat back</p> <p>3 down. I sat back down at this bench; he sat back down</p> <p>4 on this chair. And he pulled out -- I don't remember</p> <p>5 what the container was, but it had some type of oil in</p> <p>6 it. And --</p> <p>7 Q. Okay. Hold on, before you go on a narrative,</p> <p>8 because there's no question. I want to talk about the</p> <p>9 oil, before you go past that.</p> <p>10 A. Okay.</p> <p>11 Q. So where did this oil come from?</p> <p>12 A. He had a bag with him. He had a bag and he had</p> <p>13 his cameras with him.</p> <p>14 Q. What kind of bag? Describe it.</p> <p>15 A. I don't know. I know it was like a satchel --</p> <p>16 is that the term for it?</p> <p>17 Q. I have no idea what you're talking about, so I</p> <p>18 don't know.</p> <p>19 A. Okay. Well, that's what I think it was.</p> <p>20 Q. Okay. Is it on his body?</p> <p>21 A. It was on his body when he walked in the room</p> <p>22 and he sat it on the table.</p> <p>23 Q. Describe what it looked like. How big is it?</p> <p>24 A. I don't remember.</p> <p>25 Q. And you say he takes oil out of there?</p>

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<p style="text-align: right;">Page 166</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And what does he do with the oil?</p> <p>3 A. He dipped his thumb in it and then proceeded to do circles on my forehead.</p> <p>4 Q. And not saying a word?</p> <p>5 A. Besides that I looked tense, but, no, he didn't say a word.</p> <p>6 Q. Okay. And his camera is where?</p> <p>7 A. I don't know, on the table, I would guess.</p> <p>8 Q. Don't -- that's the one thing I really don't want you to do, is guess. Nobody here wants you to guess. If you don't remember, say I don't know.</p> <p>9 A. I don't know.</p> <p>10 Q. Okay. So he has his camera on him, to begin with, you said. He takes oil out of a satchel that you can't describe, puts it on your forehead?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. And then he takes a picture?</p> <p>13 A. After a few minutes of him doing the rubbing of the oil on my forehead, yes, tells me to stand back up and shoots a few more shots.</p> <p>14 Q. Okay. What did the oil smell like?</p> <p>15 A. I don't remember.</p> <p>16 Q. You use essential oils; right?</p> <p>17 A. I have, yes.</p>	<p style="text-align: right;">Page 167</p> <p>1 Q. So you're familiar with different kinds of oils?</p> <p>2 A. I'm not an expert on them.</p> <p>3 Q. I didn't ask you if you're an expert on them.</p> <p>4 A. I'm familiar with a type of oil.</p> <p>5 Q. Was this a type of oil that you're familiar with?</p> <p>6 A. No, it was like -- I don't know what it was.</p> <p>7 Q. Okay. So I'm going to show you what's now been marked as 34.</p> <p>8 MS. LEVINE-GRONNINGSATER: 33, maybe?</p> <p>9 MS. WEINTRAUB: Okay.</p> <p>10 THE WITNESS: I think -- I have 31.</p> <p>11 MS. WEINTRAUB: This is 32.</p> <p>12 (Exhibit 33 marked.)</p> <p>13 BY MS. WEINTRAUB:</p> <p>14 Q. Okay. So in the complaint, which you said that you stand by, it says that he rubbed the oil on your forehead; is that right?</p> <p>15 A. Uh-huh.</p> <p>16 Q. You have to say "yes" or "no."</p> <p>17 A. Yes.</p> <p>18 Q. And he then took one or more photographs of you?</p> <p>19 A. From what I remember, yes.</p> <p>20 Q. Okay. Well, that's what's in the complaint.</p> <p>21 Are you saying what's in the complaint is accurate or</p>
<p style="text-align: right;">Page 168</p> <p>1 not accurate?</p> <p>2 A. Yes, to the best of my knowledge, that is accurate.</p> <p>3 Q. Were you standing or were you sitting?</p> <p>4 A. Which -- when?</p> <p>5 Q. When he put oil on you.</p> <p>6 A. Sitting.</p> <p>7 Q. And when you took the picture?</p> <p>8 A. I was standing, I believe.</p> <p>9 Q. Okay. So what you said so far, just so we're clear, is, he took one or two pictures, then he stopped. Then he took oil out of his satchel, began rubbing oil on you, and then he took one or more -- two more photographs. That's the chronology in the complaint.</p> <p>10 Q. Is that accurate, to the best of your memory?</p> <p>11 A. To the best of my memory.</p> <p>12 Q. Where was Bruce Weber when he took the picture -- the first two pictures of you?</p> <p>13 A. Kind of in the center of the room. There's a wall here. I remember --</p> <p>14 Q. Is this a big room?</p> <p>15 A. Not --</p> <p>16 Q. MS. LEVINE-GRONNINGSATER: Counsel, you just interrupted him. He said "I remember," and then you asked him another question. Now, we'll never know what</p>	<p style="text-align: right;">Page 169</p> <p>1 he remembered.</p> <p>2 THE WITNESS: I don't remember. It wasn't a tiny room, but I don't remember a big, huge room.</p> <p>3 BY MS. WEINTRAUB:</p> <p>4 Q. Okay.</p> <p>5 A. So he was center of the room and I was close to the wall.</p> <p>6 Q. Were you standing?</p> <p>7 A. From what I remember, yes. I took photos with him standing and sitting, I believe.</p> <p>8 Q. You don't remember?</p> <p>9 A. I'm not 100 percent sure.</p> <p>10 Q. Are you 90 percent sure?</p> <p>11 A. I'm not going to quantify it.</p> <p>12 Q. You have no idea; right?</p> <p>13 A. If whether I was standing or sitting? I know I was standing.</p> <p>14 Q. Okay. So I'm going to show you the contact sheets. By the way, how many pictures do you think that were taken?</p> <p>15 A. Twenty.</p> <p>16 Q. Okay. Would it surprise you to learn 30 were taken, three roles of film?</p> <p>17 A. Yeah, that sounds about right.</p> <p>18 Q. And -- so to go back again. The first two were</p>

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<p>Page 170</p> <p>1 taken and then the next two were after he rubbed oil on 2 you. And you said that you were standing somewhere near 3 the wall?</p> <p>4 A. When he took the pictures?</p> <p>5 Q. Yeah, that's what you said; right?</p> <p>6 A. That's what I remember.</p> <p>7 Q. Okay. So the first ten pictures are of you 8 sitting down; correct?</p> <p>9 A. Yeah.</p> <p>10 Q. So can you show me -- I'm going to show you -- 11 we'll go over each roll. These are the first ten. 12 According to what you just said, three and four 13 --</p> <p>14 A. Uh-huh.</p> <p>15 Q. -- would have oil on them. Do you notice any 16 difference in these pictures?</p> <p>17 A. Do I notice any difference?</p> <p>18 Q. Yeah, on your forehead?</p> <p>19 A. I mean, I don't know. No, it looks the same.</p> <p>20 Q. And so -- by the way, what color was the oil?</p> <p>21 A. I don't know.</p> <p>22 Q. After he rubbed the oil on you, where did he put 23 it?</p> <p>24 A. Back on the table, I believe.</p> <p>25 Q. Can you see it, in your mind?</p>	<p>Page 171</p> <p>1 A. No, I wasn't focused on the oil.</p> <p>2 Q. What was the oil in? You said it was in a 3 container?</p> <p>4 A. Some type of container.</p> <p>5 Q. Does that mean a bottle, jar, plastic?</p> <p>6 A. I don't remember.</p> <p>7 Q. What's the next thing that happens?</p> <p>8 A. After?</p> <p>9 Q. After he took, you said, in the one or two 10 pictures of you, after he put the oil on your forehead; 11 right?</p> <p>12 A. Yes. From what I remember after that, he 13 stopped and began to rub the oil again on my forehead, 14 just with his thumb.</p> <p>15 Q. And then he took another -- one or two pictures?</p> <p>16 A. From what I remember.</p> <p>17 Q. Look at the forehead in your pictures --</p> <p>18 A. Okay.</p> <p>19 Q. -- and tell me if you see any difference in the 20 pictures.</p> <p>21 A. No, I don't see any difference.</p> <p>22 Q. Okay. And you said that you were standing for 23 these pictures; right?</p> <p>24 A. From what I remember, I stood and I sat for 25 pictures.</p>
<p>Page 172</p> <p>1 Q. Okay. But you told us a few minutes ago, you 2 were standing when we started the first two pictures 3 after the oil --</p> <p>4 MS. LEVINE-GRONNINGSATER: Objection --</p> <p>5 BY MS. WEINTRAUB:</p> <p>6 Q. You're not standing, are you?</p> <p>7 MS. LEVINE-GRONNINGSATER: Objection, misstates 8 prior testimony.</p> <p>9 BY MS. WEINTRAUB:</p> <p>10 Q. Did you say before, after the oil, you were 11 standing somewhere on the wall?</p> <p>12 A. From what I remember, I was standing and 13 sitting.</p> <p>14 Q. Okay. In the first nine pictures, there's no 15 standing. Do you agree?</p> <p>16 A. I agree.</p> <p>17 Q. What's the next thing that happened?</p> <p>18 A. Again, he didn't use anymore oil. He just kept 19 rubbing here, telling me to relax.</p> <p>20 Q. Are you done? Yes? I don't want to step on you 21 when I ask you something. I didn't know if you were 22 done.</p> <p>23 A. Well, it's just kind of rapid firing 24 questions -- which, if you have another question, that's 25 fine.</p>	<p>Page 173</p> <p>1 Q. Here's the question. So you said he's using his 2 thumb. You also showed me how he was using an old 3 school camera, and you used your thumb to make the 4 mechanism work; right?</p> <p>5 A. Right.</p> <p>6 Q. Okay. So he's using oil, rubbing it on your 7 forehead, and then using it on the camera is what you're 8 saying?</p> <p>9 A. When he -- maybe. Maybe he rubbed it off, I 10 don't know.</p> <p>11 Q. Did you see, can you say?</p> <p>12 A. I can't say.</p> <p>13 Q. Okay. Because?</p> <p>14 A. I don't remember.</p> <p>15 Q. You do agree in the first ten shots, there's no 16 shiny anything indicating oil on your forehead; right?</p> <p>17 A. Yes.</p> <p>18 Q. You do agree?</p> <p>19 A. It doesn't look like there's anything shiny.</p> <p>20 Q. What's the next thing that happens?</p> <p>21 A. I believe he asked me to take off my shirt.</p> <p>22 Q. Okay. Did you have any problem with that?</p> <p>23 A. No.</p> <p>24 Q. You took off your shirt. Where did you put it?</p> <p>25 A. I don't remember.</p>

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1 Q. Okay. And how long -- how long did that take?		1 Q. Okay. And oftentimes people do -- tell people
2 A. To take my shirt off?		2 to relax, or breathe, just as part of life.
3 Q. Uh-huh.		3 Would you agree?
4 A. Not very long.		4 A. Yes.
5 Q. Okay. This is going quickly; right? So now		5 Q. You do that with your gym work, training?
6 we've had four or six pictures, and you're taking your		6 A. In the right context, yes.
7 shirt off; correct?		7 Q. And do you do Martial Arts at all?
8 A. Correct.		8 A. No, I don't.
9 Q. Okay. So the first ten pictures, your shirt's		9 Q. Okay. What's the next thing that happened?
10 on; agreed?		10 A. From what I recall, he snapped a few pictures of
11 A. Agreed.		11 me with my shirt off and then asked me to take my pants
12 Q. Okay. So now we're more than halfway into this,		12 off -- my shoes and my pants off, so I was in my
13 19 pictures, before you are shirtless. Do you agree?		13 underwear.
14 You can count them if you want.		14 Q. Okay. So wait a minute. So did you take your
15 A. Yes.		15 pants off?
16 Q. Okay. So he tells you to take off your shirt,		16 A. I did.
17 you have no problem with it; right?		17 Q. Okay. And you took your shoes off first?
18 A. Correct.		18 A. Shoes off first.
19 Q. As you know, Bruce Weber -- we've talked about		19 Q. Obviously. Where were you? Show me on the
20 this -- is known for his nudes. You were working on		20 drawing.
21 your love handles; right?		21 A. I was here --
22 A. I had no problem taking my shirt off.		22 Q. Hold on. You have to make a mark so that the
23 Q. And you had told already you were working on		23 record is clear. Indicating, for the record, that you
24 your love handles; right?		24 are drawing a --
25 A. Yes, I texted him that, yes.		25 A. Do you want me to draw a stick figure or...
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1 Q. Sure.		1 (Exhibit 35 marked.)
2 A. Okay.		2 BY MS. WEINTRAUB:
3 Q. Okay. So now you're against the wall and you --		3 Q. Okay. Because there really aren't any pictures
4 A. I'm near the wall.		4 of you in your underwear, but -- in other words, there
5 Q. You're near the wall.		5 are no pictures of you with your underwear on; right?
6 A. Yes. Take my pants off, take my shoes off.		6 A. Correct.
7 Q. Where did you put them?		7 Q. Well, these are, I guess, if they're stamped;
8 A. I believe I put them over here by the bench.		8 right?
9 Q. Do you remember that?		9 A. Right.
10 A. I don't remember, specifically.		10 Q. Indicating, for the record, I'm going -- gonna
11 Q. Okay. So the answer is you don't know?		11 ask you to put JB on the two that I just pointed to.
12 A. Right, sorry.		12 Your underwear is on, on those pictures?
13 Q. Okay.		13 MS. LEVINE-GRONNINGSATER: Hold on, hold on.
14 A. Specifically, I don't remember what I did with		14 THE WITNESS: I'm sorry --
15 them.		15 MS. LEVINE-GRONNINGSATER: What are you asking
16 Q. Okay. So now you're in your underwear?		16 him to draw on the exhibit?
17 A. Correct.		17 MS. WEINTRAUB: I'm asking you if that's where
18 Q. And then what happens?		18 your pants are pulled down.
19 A. I believe he snapped a few more shots.		19 THE WITNESS: So I'm not sure, specifically,
20 Q. In your underwear?		20 which ones, because he did take pictures of me nude and
21 A. In my underwear.		21 with a -- with underwear on.
22 Q. Okay, hold on. I'm looking at what I'm going to		22 BY MS. WEINTRAUB:
23 mark as Exhibit 35 -- I'm just going to count. Do you		23 Q. Really -- wait, hold on. Where are the nude- --
24 know which pictures you're in your underwear?		24 hold on. Where are the nudes?
25 A. No, I don't.		25 A. I'm pointing, right here (indicating).

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<p>1 Q. That's a nude picture?</p> <p>2 A. Correct.</p> <p>3 Q. Can you, for the record, put letter J, so we can</p> <p>4 see it, what's being identified.</p> <p>5 A. (Witness complies.)</p> <p>6 Q. Now, the picture that you identify with the J on</p> <p>7 it, and you say that you're nude?</p> <p>8 A. From what I remember, yes.</p> <p>9 Q. Okay. But you've taken other pictures with your</p> <p>10 pants way down -- I hate to use the word, but I will --</p> <p>11 with your pubic hair, basically; right? And your pants</p> <p>12 are on. Agreed?</p> <p>13 A. Right, uh-huh.</p> <p>14 Q. All the time?</p> <p>15 A. Yes.</p> <p>16 Q. So it's not unfamiliar to you to see pictures</p> <p>17 like that when you were, in fact, dressed; correct?</p> <p>18 A. Correct.</p> <p>19 Q. So you do -- do you agree that looking at the</p> <p>20 picture, you can't tell, obviously, that you were nude;</p> <p>21 right? Just like -- correct?</p> <p>22 A. From an outsider's perspective, sure, but I know</p> <p>23 that I was naked, so -- but from that picture, it is</p> <p>24 possible. Is that what you're asking? I'm sorry.</p> <p>25 Q. It's okay. From the picture, it's possible</p>	Page 178	<p>1 that?</p> <p>2 A. That I have some type of clothing down way below</p> <p>3 there.</p> <p>4 Q. Because -- I'm going to show you 36. This is a</p> <p>5 picture of you?</p> <p>6 A. Yep.</p> <p>7 Q. And if I make a crease and a mark -- and we can</p> <p>8 mark that -- you can see where your love handles would</p> <p>9 be; right? And it's going right down there.</p> <p>10 Q. You agree?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And you're not naked. You're wearing</p> <p>13 jeans. They're just pushed down all the way; right?</p> <p>14 A. In that picture, yes. That's a different angle</p> <p>15 than the picture taken there.</p> <p>16 Q. Similarly, in this picture --</p> <p>17 A. Uh-huh.</p> <p>18 Q. Similarly, in this picture -- I mean, somebody</p> <p>19 could see, and not know, that you had clothes on; right?</p> <p>20 If this is marked from your pubic hair; correct?</p> <p>21 A. Correct.</p> <p>22 Q. Okay.</p> <p>23 MR. ETRA: It's 36 and 37.</p> <p>24 MS. WEINTRAUB: That's 36 and 37, for the</p> <p>25 record.</p>	Page 179
<p>1 (Exhibits 36 and 37 marked.)</p> <p>2 BY MS. WEINTRAUB:</p> <p>3 Q. So -- and there are no nude pictures; correct?</p> <p>4 A. Correct.</p> <p>5 Q. And, obviously, Bruce Weber has no problem</p> <p>6 taking nudes, and you have no problem posing nude?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. But they aren't nude.</p> <p>9 MS. LEVINE-GRONNINGSATER: Objection --</p> <p>10 BY MS. WEINTRAUB:</p> <p>11 Q. Agreed? But you agree that they're not nude</p> <p>12 pictures taken by Bruce Weber?</p> <p>13 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>14 THE WITNESS: Correct. So he -- how he cropped</p> <p>15 it, or how he shot it, yes, my genitalia is not in the</p> <p>16 photo.</p> <p>17 BY MS. WEINTRAUB:</p> <p>18 Q. Any conversation taking place at this point?</p> <p>19 A. He's taking pictures, he's telling me how to</p> <p>20 pose, he's telling me to hold a pose, from what I</p> <p>21 remember. He said that I looked beautiful. He said</p> <p>22 that I looked like a Norwegian fisherman -- that stuck</p> <p>23 out to me.</p> <p>24 Q. You also understand that that's not his typical</p> <p>25 Americana look being Norwegian; right?</p>	Page 180	<p>1 A. Sure.</p> <p>2 Q. What else did he say to you?</p> <p>3 A. He said, again, that he wanted to do -- he</p> <p>4 wanted to relax me. So he approached me -- or he -- he</p> <p>5 kind of told me -- motioned me over. Because I was</p> <p>6 close to the wall -- I was close to the wall and he was</p> <p>7 kind of in the center of the room.</p> <p>8 Q. Can you put a BW where he is?</p> <p>9 A. Yes, JB.</p> <p>10 Q. Okay.</p> <p>11 A. So we kind of met halfway. And then he said</p> <p>12 that I -- he really hammered home the point that I</p> <p>13 looked tense, and I was trying to be too masculine. And</p> <p>14 that in my photos, I looked, kind of, hard and scowly,</p> <p>15 and he just really wanted me to relax. So that's when</p> <p>16 he started rubbing my forehead again. And, then, he</p> <p>17 asked me, from what I remember, to pull my underwear up</p> <p>18 or down, wherever I wanted to pull them.</p> <p>19 Q. Okay. So you weren't nude. Now you're saying</p> <p>20 your underwear is on; right?</p> <p>21 A. So I'm -- all I'm saying is this picture, I was</p> <p>22 nude. This is what I'm telling you -- this picture was</p> <p>23 nude. I'm not telling you the time line of when this</p> <p>24 picture was taken. I'm just saying --</p> <p>25 Q. The one with the J on it?</p>	Page 181

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1 A. Correct.		
2 Q. Okay. So -- and then your underwear is back on,		1 Q. And then what happened?
3 and he's telling you to put it where?		2 A. For -- he kept asking me, pull them up or down.
4 MS. LEVINE-GRONNINGSATER: Objection, misstates		3 Q. Okay. How many times did he repeat himself?
5 prior testimony.		4 A. I don't remember the exact count, but I remember
6 BY MS. WEINTRAUB:		5 him -- he was continuously rubbing my forehead like
7 Q. Okay. So tell me the chronology of what's going		6 this. And he was asking me, pull them up or down.
8 on.		7 Q. Okay. When he was continuously rubbing your
9 A. So the chronology is I had -- I was in my		8 forehead, that was with the oil?
10 underwear, and he took a few shots. And then he said,		9 A. There was oil on my forehead already. He didn't
11 again, you look tense, you're trying to be too		10 go and dip his thumb in oil and come back. He was just
12 masculine. Your book is -- like the pictures in your		11 doing this. (Indicating.)
13 book are too scowly; you know, you took too tough,		12 Q. Okay. And tell me what happens next?
14 you're trying to be too tough.		13 A. For -- he repeatedly asked me to pull them up or
15 Q. Did you disagree with that?		14 down. I would pull them up as high as I could, and then
16 MS. LEVINE-GRONNINGSATER: Counsel, please stop		15 I would pull them down. I kept pulling them up and
17 interrupting him.		16 down, kind of doing a dance, where I didn't want to pull
18 THE WITNESS: I don't remember.		17 them all the way down. And then --
19 BY MS. WEINTRAUB:		18 Q. Why not?
20 Q. Okay. Then what?		19 MS. LEVINE-GRONNINGSATER: Counsel, I'm --
21 A. So he started rubbing my forehead again and he		20 MS. WEINTRAUB: I'm not going to have a
22 was pretty close to me. And then he asked me to pull my		21 20-minute narrative. I'm breaking it up so that I can
23 underwear up or down.		22 ask a question. I don't want a 20-minute narrative.
24 Q. Okay. And did you?		23 MS. LEVINE-GRONNINGSATER: You're asking --
25 A. I did, I pulled them up.		24 you're asking -- you're asking the open-ended question.
	Page 184	25 If you don't want a question that calls for a narrative,
1 don't ask one. I'm going to -- we are going to have to		
2 figure out a way for you to stop --		Page 185
3 MS. WEINTRAUB: I'm going to continue to stop		1 open-ended question --
4 him and ask questions in between a narrative.		2 MS. LEVINE-GRONNINGSATER: No, I know, I'm still
5 MS. LEVINE-GRONNINGSATER: Then I -- no, I'm not		3 -- we're still on the record.
6 going to allow you to interrupt the witness. What I'm		4 MS. WEINTRAUB: I'm asking an open-ended
7 going to have to do is get a protective order --		5 question and I am stopping him along the way. Because
8 MS. WEINTRAUB: That's your right.		6 if I ask just repeated leading questions, you will say,
9 MS. LEVINE-GRONNINGSATER: -- I'm instructing you		7 oh, well, I didn't give him a chance to answer. So I'm
10 to stop --		8 trying to compromise and ask him a question so he can
11 MS. WEINTRAUB: That's your right. You're not		9 say it in his own words, without putting it in my words;
12 going to instruct me anything. Stop it. Now.		10 his words, and stopping him along the way.
13 Now, we're going to take a break --		11 If you think that's worthy of a protective
14 MS. LEVINE-GRONNINGSATER: No, the court is		12 order, you have no business practicing law. You want to
15 going to -- I'm not going off the record --		13 call the judge, call him. I flew across the country to
16 MS. WEINTRAUB: I am. And I'm walking -- no,		14 take this. I'm not doing anything wrong. End of
17 I'm walking out.		15 discussion. I'm taking a five-minute break.
18 MS. LEVINE-GRONNINGSATER: I'm not going --		16 MS. LEVINE-GRONNINGSATER: It's not the end of
19 MS. WEINTRAUB: Anna, stop.		17 discussion. We need to --
20 MS. LEVINE-GRONNINGSATER: I do not agree to go		18 MR. ETRA: The record should reflect that the
21 off the record. We're still on the record. I am still		19 lawyers have left the room and we're off the record.
22 on the record --		20 MS. LEVINE-GRONNINGSATER: Stormed out of the
23 MS. WEINTRAUB: And I'm leaving the room because		21 room.
24 I'm not going to be disrespected and spoken to that way.		22 MR. ETRA: No, we haven't stormed out of the
25 I have been doing this over 30 years. I'm asking an		23 room. We've left the room. We're taking a break. You
		24 can stay there and make speeches, if you want --
		25 MS. LEVINE-GRONNINGSATER: Jonathan --

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<p>1 MR. ETRA: The lawyer taking the deposition has 2 said we're off the record. I don't know we're still 3 typing right now, because we're off the record. 4 MS. LEVINE-GRONNINGSATER: So -- given that 5 the -- 6 MR. ETRA: You need to stop. I'm telling you to 7 stop. 8 THE REPORTER: I have to have both attorneys 9 agree to go off the record. 10 MR. ETRA: Are you kidding me? That's not the 11 New York rules, okay? You're on California rules. 12 Anyone can take a break. We're taking a break. We're 13 wasting time. I don't know why we're doing California 14 rules, if that's the California procedure -- 15 MS. WEINTRAUB: You wanted New York rules. 16 MR. ETRA: That's not how it works in New York. 17 So you wanted New York rules, we need to stop now. 18 Because I don't want to waste time. I don't want to be 19 up until 9:00 at night. Let's get done -- you want to 20 make a speech when we get back, make a speech when we 21 get back. No one's stopping you from putting stuff on 22 the record. We just need a break. 23 MS. LEVINE-GRONNINGSATER: People are stopping 24 me from putting stuff on the record when you're 25 unilaterally demanding that we go off the record.</p>	<p>Page 186</p> <p>1 MR. ETRA: You can go back on. You can talk 2 when you get back. We're taking a break. I'm leaving. 3 I don't want the record going on while I'm leaving. 4 Enough. We need a break. Accept that. She's not going 5 to take a break without listening to you, so would you 6 please tell her we can take a break and then everyone 7 can reassess and come back. 8 MS. LEVINE-GRONNINGSATER: Given that counsel 9 who is taking the deposition has left the room, I will 10 agree to go off the record. 11 THE VIDEOGRAPHER: We are now going off the 12 video record. The time is approximately 2:59 p.m. 13 (Off the record.) 14 THE VIDEOGRAPHER: We are now back on the video 15 record. The time is approximately 3:14 p.m. 16 BY MS. WEINTRAUB: 17 Q. When you were talking the underwear pictures, 18 was it still light out? 19 A. From what I remember, yes. 20 Q. Was it light out the whole time you were there? 21 A. From what I remember, yes. 22 Q. When you left, it was light out? 23 A. From what I remember, yes. 24 Q. Okay. What happened after Bruce Weber asked you 25 to move your underwear?</p>
<p>1 A. I did it several more times, pulling them up, 2 pulling them down. I never pulled them all the way down 3 until, finally, he put his hands on my hands -- 4 Q. Where was his camera? 5 A. I believe around his neck. Put his hands on my 6 hands. I still had ahold of my underwear, with my 7 hands. And he asked me again, pull them up or down. 8 And when I went to pull them up, I felt resistance from 9 him. He began to push my hands down. 10 Q. Describe him, physically, for me, Bruce Weber. 11 A. He's probably a little bit shorter than me. 12 Q. Hold on. You're 6'1"; right? 13 A. I'm six foot. Thank you, though. 14 Q. Okay. Have you said that you're 6'1" in a lot 15 of places that I've read? 16 A. Yes -- I, myself, no. Agents will say that you 17 are 6'1". They will embellish on your height sometimes. 18 Q. Okay. So you're six feet. And how much do you 19 weigh? 20 A. Right now? Or at the time? 21 Q. At the time. 22 A. Probably about 170, 175. 23 Q. So you were in good shape, to say the least? 24 A. I was in good shape. 25 Q. Bruce Weber, not so much, in good shape?</p>	<p>Page 188</p> <p>1 A. No. 2 Q. Very overweight? My client will kill me for 3 saying this. 4 A. Your words, not mine. 5 Q. They are my words. Do you agree with them? 6 A. Yes. 7 Q. Okay. And not appearing to be in great shape, 8 compared to you? 9 A. Correct, correct. 10 Q. Much older? 11 A. Much older than me. 12 Q. I'll say in his early 70s to be polite? 13 A. Correct. 14 Q. Okay. So you feel some resistance. Is he 15 taking pictures at this time? 16 A. No. 17 Q. Okay. So then what happens? 18 A. I feel resistance. And he continues to kind of 19 push -- lead me down, and I eventually pull my underwear 20 down. They fall to my ankles. 21 Q. Okay. Then what happens? 22 A. He, I believe, took a couple more shots. He 23 stepped back. From what I recall, he took a couple more 24 shots. And then stopped, again, after taking a few 25 shots --</p>

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<p>1 Q. Where are those shots?</p> <p>2 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>3 MS. WEINTRAUB: Answer the question.</p> <p>4 BY MS. WEINTRAUB:</p> <p>5 Q. Do you see there on the contact sheets?</p> <p>6 A. I don't see my genital on those sheets.</p> <p>7 Q. Okay. You don't see nude shots, as you've taken</p> <p>8 nude shots before; right?</p> <p>9 A. As I've taken nude shots before?</p> <p>10 Q. And sent them.</p> <p>11 A. Correct, no.</p> <p>12 Q. Okay. So you've said that he's taking pictures,</p> <p>13 but he's not taking nude pictures. The evidence doesn't</p> <p>14 show that he's taking nude pictures.</p> <p>15 Do you agree?</p> <p>16 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>17 MS. WEINTRAUB: You can answer.</p> <p>18 THE WITNESS: You can't see my genitals in that</p> <p>19 picture.</p> <p>20 BY MS. WEINTRAUB:</p> <p>21 Q. Okay. So you -- it also isn't a nude picture;</p> <p>22 do you agree?</p> <p>23 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>24 THE WITNESS: It is -- it is not a nude picture</p> <p>25 in the context that this is not a nude picture, but I</p>	<p>Page 190</p> <p>1 was nude while the picture was taken.</p> <p>2 BY MS. WEINTRAUB:</p> <p>3 Q. Okay. In any -- in the pictures that you took</p> <p>4 to send to Bruce Weber, where your penis is hanging out,</p> <p>5 for example, and your pants are down, that's a nude</p> <p>6 picture -- in my world, okay?</p> <p>7 A. Okay.</p> <p>8 Q. Do you see another nude picture on the contact</p> <p>9 sheets that Bruce Weber took? It's a yes or no.</p> <p>10 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>11 THE WITNESS: Again, I don't see my genitals in</p> <p>12 that picture.</p> <p>13 BY MS. WEINTRAUB:</p> <p>14 Q. You don't see a nude picture, do you?</p> <p>15 A. I don't see my genitals.</p> <p>16 Q. Okay. Is that what makes it a nude picture?</p> <p>17 A. Seeing my genitals?</p> <p>18 Q. Uh-huh.</p> <p>19 A. Well, in modeling, there's stuff like tastefully</p> <p>20 nude, like those Darren Tieste photos. I was nude</p> <p>21 during that, but you can't see my genitals.</p> <p>22 Q. Okay. So my question to you is, the pictures</p> <p>23 you sent -- the nude selfies you sent to Bruce were</p> <p>24 nude; agreed? We both agree these are nude?</p> <p>25 A. I was naked when I took those pictures, yes.</p>
<p>1 Q. And they are nude pictures. You can see --</p> <p>2 A. Okay.</p> <p>3 Q. You can see your penis.</p> <p>4 A. Yes, you can see my penis -- sorry.</p> <p>5 Q. So my question is, when I look at the contact</p> <p>6 sheet, I don't see nude pictures, nude with your penis.</p> <p>7 Do you agree? Yes or no.</p> <p>8 A. I agree that you do not see me naked in that</p> <p>9 picture, yes.</p> <p>10 Q. Now, previously, you said things like you were</p> <p>11 born to take nude pictures; right? Remember that?</p> <p>12 A. I don't remember saying that.</p> <p>13 Q. "I was born for it," you said.</p> <p>14 A. Is that an e-mail?</p> <p>15 Q. Now, you claim that you panicked and froze at</p> <p>16 some point? You have to say "yes" or "no."</p> <p>17 A. Yes.</p> <p>18 Q. What point?</p> <p>19 A. There was a point where he -- while I was naked,</p> <p>20 he was doing -- he was telling me to put my hand where I</p> <p>21 felt my energy go, put my hand on him where he felt my</p> <p>22 energy go, and put my hand on me where I felt my energy</p> <p>23 go. When I would do that, I would always stay stomach</p> <p>24 and above, shoulders, face, neck, chest. Until he</p> <p>25 grabbed my wrist and said it again, go where your energy</p>	<p>Page 192</p> <p>1 goes. And, again, when I tried to place it on his chest</p> <p>2 or stomach, he would pull it down. That's when I froze.</p> <p>3 Q. Okay. You said that -- what's the next thing</p> <p>4 that happened?</p> <p>5 A. Are we going back to when -- are we going back</p> <p>6 to when -- you tell me the timeline, because that --</p> <p>7 Q. From when your underwear went down, and there</p> <p>8 are no nude pictures, I want to know what's next? What</p> <p>9 happened next?</p> <p>10 A. So while I was nude and he snapped pictures of</p> <p>11 me while I was nude, a couple of pictures, then he</p> <p>12 stopped again. And that's when he came up to me, really</p> <p>13 close to me, and said, you know, put your hand where you</p> <p>14 feel your energy go.</p> <p>15 Q. Then what?</p> <p>16 A. We -- I did it numerous times -- I don't</p> <p>17 remember the exact amount.</p> <p>18 Q. Your hand is on his body, his hand is on his</p> <p>19 body?</p> <p>20 A. Correct, so he would say, tell me -- put your</p> <p>21 hand where your energy goes on me. So I would do that.</p> <p>22 And then he would say, now, tell me where your energy</p> <p>23 goes on you.</p> <p>24 Q. Okay.</p> <p>25 A. And go back and forth. And he did that for what</p>

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<p>1 seemed like a long time.</p> <p>2 Q. Bruce Weber's hand is going back and forth or 3 your hand?</p> <p>4 A. My hand.</p> <p>5 Q. Your hand is going back and forth?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. Then what happened?</p> <p>8 A. And then, like I said, I would put my hand on 9 either his chest, or his shoulder, or his stomach. I 10 would put it on my hand, chest, shoulder, stomach, face.</p> <p>11 And, finally, he grabbed my wrist and told me the same 12 command, put your hand where you feel your energy go on 13 me.</p> <p>14 Q. Okay.</p> <p>15 A. And then when I did that, he started to push 16 down, and then he'd say, put your hand where you feel 17 your energy go on you. And I would do the same thing, 18 and he would start to push me down like this 19 (indicating). And we did this, back and forth, until he 20 finally pushed me all the way down to where I was 21 touching my genitals. And then --</p> <p>22 Q. Where was his camera?</p> <p>23 A. What I recall, it was around his chest.</p> <p>24 Q. Okay. And after you were touching your own 25 genitals, then what?</p>	Page 194	Page 195
<p>1 Q. Okay. When you say he got a little more 2 forceful, you're not saying if you wanted to, you 3 couldn't have overridden that force, are you?</p> <p>4 A. Physically?</p> <p>5 Q. Yeah. You're not saying that; right?</p> <p>6 A. I could have, physically.</p> <p>7 Q. You could have physically?</p> <p>8 A. Yes.</p> <p>9 Q. And then what happened?</p> <p>10 A. He stepped back and did a few more shots. He 11 did a few more shots of me and then proceeded -- he 12 approached me again and started doing the same thing, 13 telling me where my energy -- asked me where my energy 14 went, again, with his hand on my wrist. Then from what 15 I remember, that last time, he told me, you know, to, 16 you know -- I think we're done, put your clothes on. So 17 I walked over to this area --</p> <p>18 Q. Do me a favor, draw a circle around it or 19 something so we know where you're talking about. Just 20 write "this area."</p> <p>21 A. "This area."</p> <p>22 Q. Okay.</p> <p>23 A. And I started to put my clothes back on.</p> <p>24 Q. Okay.</p> <p>25 A. Bruce sat down here (indicating).</p>	Page 196	Page 197
		<p>1 Q. Okay.</p> <p>2 A. And told me to stop and come back over there.</p> <p>3 Q. Okay. Indicating you made an "X" for the 4 record. Can you put a BW.</p> <p>5 A. Yes.</p> <p>6 Q. Okay. So he sat down on the bench, pictures are 7 done; right?</p> <p>8 A. Yes.</p> <p>9 Q. You got dressed?</p> <p>10 A. I started to get dressed. I think I had my 11 pants on. And then he called me over to the bench and 12 just stared at me, got really close, like really close.</p> <p>13 He stared at me.</p> <p>14 Q. Sorry, go ahead.</p> <p>15 A. He told me that I was beautiful -- you know, he 16 just stared at me. And then he said, okay, go ahead, 17 get up. And I went and put my clothes back on. And we 18 met -- he got up, and we met about here, in close 19 proximity to the bench.</p> <p>20 Q. Okay.</p> <p>21 A. I believe I was fully clothed at this point.</p> <p>22 And he came -- he told me to come up to him here and he 23 told me to close my eyes. And then he -- he told me to 24 close my eyes, and then he put his fingers in my mouth 25 and said if -- from what I remember, he said something</p>

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<p style="text-align: right;">Page 198</p> <p>1 to me -- I don't want to guess or speculate, so I can't 2 remember exactly what he said. But he had his fingers 3 in my mouth. Then he pulled them out and he kissed me, 4 and that's when I pulled back like this. And he said, 5 we're done. Put your clothes on -- I'm sorry, he said 6 we're done. That was it.</p> <p>7 Q. And what did you do then?</p> <p>8 A. I left.</p> <p>9 Q. Who opened the door?</p> <p>10 A. Nobody -- I believe that I opened the sliding 11 door.</p> <p>12 Q. How did you open it?</p> <p>13 A. My grabbing the handle -- I don't remember 14 exactly, but I opened the door.</p> <p>15 Q. The contact, the physical contact that you've 16 described that occurred, occurred, obviously, in the 17 last few minutes; right?</p> <p>18 A. It occurred over -- more than a few months.</p> <p>19 Q. Okay. How long?</p> <p>20 A. I don't know the exact time. I can estimate.</p> <p>21 Q. Okay.</p> <p>22 A. It probably took 20, 25 minutes, estimating.</p> <p>23 Q. Okay. That -- the 20, 25 minutes was when you 24 were talking about the hands on the chest, and going -- 25 the back and forth and the physical contact; right?</p>	<p style="text-align: right;">Page 199</p> <p>1 A. Correct.</p> <p>2 Q. Okay. So that's 15 minutes, say. Then you have 3 the contact that's actually you touching yourself; 4 right?</p> <p>5 A. My hand, yes.</p> <p>6 Q. How long would you say that your hand was on 7 your own genitals? More than a minute? And, remember, 8 a minute can be a long time. Just think before you 9 answer that question, please.</p> <p>10 A. I don't -- I don't know, I don't know.</p> <p>11 Q. Is it possible that it, really, was just seconds 12 and felt like an hour?</p> <p>13 A. Is it possible?</p> <p>14 Q. Yeah.</p> <p>15 A. Sure, it's possible.</p> <p>16 Q. The same thing when you say that you touched his 17 genitals, same thing -- I mean, it wasn't a long time. 18 It was literally seconds. Would you agree? And I'm not 19 saying that was a great thing. I'm just asking you -- 20 I'm trying to understand the timing of it, so bear with 21 me.</p> <p>22 A. I understand, I understand. When he placed my 23 hand on his genitals --</p> <p>24 Q. Yes.</p> <p>25 A. -- it was probably less than a minute.</p>
<p style="text-align: right;">Page 200</p> <p>1 Q. Okay. Would you agree it's a matter of seconds, 2 whether that's 10, or 20, or 30?</p> <p>3 A. Whether that's 10, or 20, or 30, I agree with 4 that.</p> <p>5 Q. Okay. When he kissed you --</p> <p>6 A. Yes.</p> <p>7 Q. -- on -- did he kiss you on the mouth --</p> <p>8 A. Yes.</p> <p>9 Q. On the cheek? On the mouth.</p> <p>10 A. On the mouth.</p> <p>11 Q. Closed lips, open lips?</p> <p>12 A. Open lips.</p> <p>13 Q. Do you remember?</p> <p>14 A. I believe it was open lips. I remember -- I 15 remember his beard -- I remember his beard.</p> <p>16 Q. Okay. You remember being kissed, but you don't 17 remember anything really about it?</p> <p>18 A. Correct, my eyes were closed. I do not remember 19 exactly if it was open or closed.</p> <p>20 Q. Same thing, seconds, 10, 20, 30 seconds, no more 21 than that?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. Before we leave there, I'm going to ask 24 you to look at Exhibit Nos. 33, 34, 35, contact sheets, 25 okay?</p>	<p style="text-align: right;">Page 201</p> <p>1 A. Yes.</p> <p>2 Q. And I'm going to ask you to show me where did 3 the breathing exercises, in the pictures, in the story 4 of the pictures -- wait, don't have them in order. 5 Where in the contact sheets did -- where in the 6 contact sheets did the touching of the genitals start? 7 These are in order.</p> <p>8 A. I can't give you an accurate timeline based off 9 these photos. I just know that I was nude.</p> <p>10 Q. You're not saying that there are more photos, 11 are you? Just to be clear.</p> <p>12 A. More photos that he took?</p> <p>13 Q. Uh-huh.</p> <p>14 A. Not to my knowledge.</p> <p>15 Q. And the hands that are on you in Exhibit 34, 16 those are your own -- your own hands; right? That's the 17 picture.</p> <p>18 A. Correct.</p> <p>19 Q. Right? That's not Bruce Weber, or anybody else?</p> <p>20 A. Correct.</p> <p>21 Q. Those are your own hands, and that's a common 22 model thing?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Before we leave this, I need to take one 25 minute of a break with Mr. Etra and Mr. Bernstein. Just</p>

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1 give me a minute. 2 MS. LEVINE-GRONNINGSATER: We can go off the 3 record? 4 MS. WEINTRAUB: Yes. 5 THE VIDEOGRAPHER: We are now going off the 6 video record. The time is approximately 3:34 p.m. 7 (Off the record.) 8 THE VIDEOGRAPHER: We are now back on the video 9 record. The time is approximately 3:44 p.m. 10 BY MS. WEINTRAUB: 11 Q. Two questions. I just want to go back. I'm 12 sorry, but I forgot two questions and I want to just put 13 it in context for you. 14 A. Okay. 15 Q. So I just want to make sure that I understood 16 you. Where you put the J, these two shots, those are 17 the two shots where you say that you were not dressed; 18 correct? 19 A. To my recollection, yes. 20 Q. Okay. The other shots you are dressed? 21 A. These shots? 22 Q. Yeah. That is after your shirt's off -- or you 23 don't know? 24 A. I don't know. 25 Q. Okay. I asked you, also, and I just want to,	Page 202 1 again, clarify it, because I wasn't sure what you said. 2 When you said that he was pushing your hand a little -- 3 that Bruce Weber was pushing your hand a little bit 4 more, I asked you if you wanted to overcome that force 5 of resistance, of course, you could have, and you said 6 yes. 7 So my question to you is this -- you agree -- 8 correct? That's accurate? 9 A. From a physical standpoint, yes. 10 Q. Yes. So my question is, it's your testimony 11 that you acquiesced and that it didn't become a physical 12 force issue; correct? 13 MS. LEVINE-GRONNINGSATER: Objection, misstates 14 testimony. 15 MS. WEINTRAUB: You can answer. 16 THE WITNESS: That it didn't become a physical 17 force? 18 BY MS. WEINTRAUB: 19 Q. I mean -- it wasn't him forcing against your 20 resistance. I mean, there was no resistance, as we just 21 established. You acquiesced -- for whatever reason, you 22 acquiesced; right? You're shaking your head yes, but I 23 need you to answer "yes" or "no." 24 A. I understand. Because -- at first, I did kind 25 of resist, but, then, eventually, yes, you could say I
1 acquiesced into what he wanted me to do. 2 Q. Or what he thought he wanted. 3 A. Okay. 4 Q. So the point is that you didn't have to overcome 5 it -- I mean, there was no force to overcome; fair 6 statement, however you put it? 7 Physically, you could have taken him on at any 8 time, pushed him away, done whatever you needed to do, 9 but you didn't. Is that accurate? 10 A. That's accurate. 11 Q. Okay. Now, you said you turned the handle on 12 the door; right? 13 A. I didn't say turn, I said grabbed. 14 Q. Grabbed the handle -- how did it open? 15 A. Again, it was a sliding door. 16 Q. Right. And there's a handle. What did you do 17 with it? 18 A. From what I remember, I slid the door open. 19 Q. Okay. When you opened the door, who was there? 20 A. I didn't see anybody. 21 Q. Did you hear people there? 22 A. I didn't. 23 Q. But, obviously, it's possible that people were 24 there and you just were not paying attention at that 25 time?	Page 204 Page 205 1 A. It's possible -- not in my direct line of sight, 2 but it's possible. 3 Q. Okay. Where were you staying when you -- on 4 December 15, 2014? 5 A. The model apartment -- 6 Q. Address? 7 A. It was on Boerum Street. 8 Q. In Brooklyn? 9 A. Yes. 10 Q. How did you -- what did you do when you left 11 Bruce Weber? 12 A. I walked. 13 Q. Where? 14 A. To the Williamsburg Bridge. 15 Q. And? 16 A. I walked home. 17 Q. Did you call anybody on the way? 18 A. No. 19 Q. Talk to anybody on the way? 20 A. I believe I remember texting with Jason Kanner. 21 Q. Where are the texts? 22 A. They're on an old phone. 23 Q. What did you text? 24 A. I remember he -- I remember he asked me how it 25 went.

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1 BY MS. WEINTRAUB:	1 you are gorg thigh, Jason."
2 Q. So in the light gray, if you will, on the first	2 What does that mean?
3 page, December 16th, 2014, 1:06 p.m., "Just met and shot	3 A. I don't know -- I think that's a typo.
4 with Bruce Weber."	4 Q. Okay. And you write what?
5 That's you; right?	5 A. "Thank you. I'm getting more and more
6 A. Yes.	6 self-confidence. I know it's a problem area for me,
7 Q. David Todd responds, "Love it. Isn't he the	7 hearing no for so many years. But with you in my corner
8 best?"	8 and J" --
9 Correct?	9 Q. Actually, go on the next page. You'll see the
10 A. Correct.	10 whole thing better.
11 Q. Next is your writing in the light gray; correct?	11 A. -- "and hopefully Bruce, I can't help but be
12 A. Correct.	12 confidence. Yes, I'll work with him for you. Thank
13 Q. And your words were, "Such a nice guy. So	13 you."
14 encouraging. Will you ask him what he thought of me?"	14 Q. And this is the day after the pictures were
15 Those are your words; yes?	15 taken?
16 A. Correct.	16 A. Correct.
17 Q. David Todd says, "Of course" -- on the next page	17 Q. This is the day after the pictures are taken by
18 -- "he remembered you; right?"	18 Bruce Weber. And there was no reason on earth for you
19 And your answer is, "Yes, he's never seen	19 to lie to David Todd, was there?
20 anybody like that; that I was so beautiful. But maybe	20 A. Yes, there was.
21 he was just saying that to me. I know if you ask him,	21 Q. And what was the reason you lied?
22 you'll get the real story," happy face.	22 A. I didn't want anybody to know this.
23 Accurate?	23 Q. The only contemporaneous record that exists
24 A. Accurate.	24 close to the taking of the pictures.
25 Q. Jason -- I mean David Todd says to you, "Okay,	25 Is this text exchange with you and David Todd,
Page 216	Page 217
1 which you initiated; agree?	1 A. I heard him.
2 A. Agree.	2 Q. I know you did, so I'm just repeating it out
3 Q. You say that you texted Jason Kanner, although	3 loud, because that's just how we refer to the exhibit,
4 we don't have it; correct?	4 sorry.
5 A. Correct.	5 A. It's okay.
6 Q. There's no evidence that you said it was kind of	6 Q. So the truth is, is that when you wanted to
7 weird; right?	7 refer to somebody and tell him what happened, even of
8 A. Correct.	8 the most intimate detail about him touching your cock
9 Q. You didn't tell Jason Kanner why you thought it	9 and balls, you told David Todd, it was no big deal. You
10 was weird, even if you did say that, did you?	10 told him about it.
11 A. Correct.	11 A. I told him about it.
12 Q. You were not too embarrassed to send in zoomed	12 Q. And, yet, now you're claiming that this happened
13 in penis pictures to Jason Kanner; right?	13 and you didn't tell him?
14 A. Correct.	14 A. Correct.
15 Q. You were not too embarrassed to tell David Todd	15 Q. And there was also another time, which we'll
16 you loved -- hell, yeah, I love shooting in the nude,	16 find, where you tell David Todd that Christian Rios was
17 it's great. I was born for it; right?	17 acting kind of funky with you, for lack of better --
18 A. Correct.	18 that's my term, not yours -- that you were
19 Q. And, yet, now, you say that you were too	19 uncomfortable, or he was uncomfortable. He wanted to
20 embarrassed to tell David Todd?	20 hang out with you, you didn't want to, or something was
21 A. Correct.	21 going on. You didn't want to, he cancels the shoot.
22 Q. Now, when something -- when something occurred	22 You say not cool -- do you remember that?
23 with the photographer with Doug English, you told David	23 A. Yes.
24 Todd; right?	24 Q. So, again, there was another situation where a
25 He wants me to say cock and balls.	25 photographer made you uncomfortable. You don't hesitate

<p>1 A. That sounds correct.</p> <p>2 Q. Let's talk about April 2015, briefly.</p> <p>3 April 2015, Little Bear asks some agencies to</p> <p>4 send some modeling head pictures, or something, who then</p> <p>5 recommend for a potential project; right? You know</p> <p>6 that?</p> <p>7 A. I don't recall that.</p> <p>8 Q. Okay. Well, you know that Bruce Weber was going</p> <p>9 to hold a casting; right, in April 2015?</p> <p>10 A. Yes.</p> <p>11 Q. You also know that -- you also said that --</p> <p>12 well, you said two different things. You said -- first</p> <p>13 of all, were you aware of the fact that you were not</p> <p>14 picked to go on that casting, and that your agents</p> <p>15 literally begged Bruce Weber to let you go?</p> <p>16 A. At the time, I did not know that.</p> <p>17 Q. Do you know it now?</p> <p>18 A. I know it now.</p> <p>19 Q. Okay. So you were not included, they didn't</p> <p>20 even want you. And, yet, Kanner, again, gets his way</p> <p>21 and convinces Bruce to let you go; right, to the -- to</p> <p>22 the casting?</p> <p>23 A. I believe so.</p> <p>24 Q. Okay. So you were happy to go, because you</p> <p>25 wanted to get the job and work; right?</p>	<p>Page 246</p> <p>1 A. I wanted to work.</p> <p>2 Q. And you wanted to work with Bruce Weber; right?</p> <p>3 That's why you were then texting him and trying to get</p> <p>4 him to shoot you again; right?</p> <p>5 A. I wanted to work with -- I wanted to work.</p> <p>6 Q. With Bruce Weber?</p> <p>7 A. I wanted to -- if he had a job that paid, I wanted to work.</p> <p>9 Q. What if it didn't pay? You weren't going to do</p> <p>10 it?</p> <p>11 A. I would do it. I have to do it.</p> <p>12 Q. Okay. So it had nothing to do with getting</p> <p>13 money; right?</p> <p>14 A. Well, the hope is that eventually you will get money.</p> <p>16 Q. Wishing and hoping again, but there's nothing to</p> <p>17 say that; right?</p> <p>18 A. What do you mean?</p> <p>19 Q. In other words, you don't even know what that --</p> <p>20 do you know what that casting was for, in April?</p> <p>21 A. I don't know.</p> <p>22 Q. You were going to go anyway, because you looked</p> <p>23 at it as though it's another opportunity of being in</p> <p>24 front of Bruce Weber; maybe that will be an opportunity</p> <p>25 to -- for the stars to open.</p>	<p>Page 247</p>
<p>1 A. That was one part of it. Another part of it is that if I don't show up to a casting that -- you know, that is deemed -- that's grounds for my agency to cut me or let me go.</p> <p>5 Q. Okay. But we talked -- I didn't mean to cut you off.</p> <p>7 A. It's okay.</p> <p>8 Q. So we talked about that before. I mean, if you didn't want to go to a casting, like with Equinox, you didn't have to go.</p> <p>11 A. In LA, with David Todd, David Todd was a lot more lenient with that, because he wasn't footing my rent.</p> <p>14 Q. How were you paying your rent? You still weren't -- you didn't make any money. 2014.</p> <p>16 A. Right. They rack up a bill for you, so that puts pressure on me to show up to all my castings.</p> <p>18 Q. Okay. So you're saying you never missed castings with him?</p> <p>20 A. With Jason Kanner?</p> <p>21 Q. Uh-huh.</p> <p>22 A. To my recollection...</p> <p>23 Q. Answer the question.</p> <p>24 A. To my recollection, I don't remember specifically skipping out on castings.</p>	<p>Page 248</p> <p>1 A. That was one part of it. Another part of it is that if I don't show up to a casting that -- you know, that is deemed -- that's grounds for my agency to cut me or let me go.</p> <p>5 Q. Okay. But we talked -- I didn't mean to cut you off.</p> <p>7 A. It's okay.</p> <p>8 Q. So we talked about that before. I mean, if you didn't want to go to a casting, like with Equinox, you didn't have to go.</p> <p>11 A. In LA, with David Todd, David Todd was a lot more lenient with that, because he wasn't footing my rent.</p> <p>14 Q. How were you paying your rent? You still weren't -- you didn't make any money. 2014.</p> <p>16 A. Right. They rack up a bill for you, so that puts pressure on me to show up to all my castings.</p> <p>18 Q. Okay. So you're saying you never missed castings with him?</p> <p>20 A. With Jason Kanner?</p> <p>21 Q. Uh-huh.</p> <p>22 A. To my recollection...</p> <p>23 Q. Answer the question.</p> <p>24 A. To my recollection, I don't remember specifically skipping out on castings.</p>	<p>Page 249</p> <p>1 Q. Okay. Is it accurate to say that you wanted to go to the casting with Bruce Weber and get the job? Yes or no.</p> <p>4 A. I wanted to get the job, yes.</p> <p>5 Q. And you knew it was with Bruce Weber; yes?</p> <p>6 A. I knew it was with Bruce Weber.</p> <p>7 Q. It's not true to say that you didn't want to go to that casting, because Mr. Boyce dreaded seeing Mr. Weber.</p> <p>10 Q. That's not an accurate statement, is it?</p> <p>11 A. In my head, yes, that is an accurate statement.</p> <p>12 Q. You wanted to go, and you wanted to go, knowing it was Bruce Weber, and you wanted to get the job. All three things we just went through; yes?</p> <p>15 A. I knew that Bruce Weber shot very high profile jobs, yes. I had pressure to make money and show up to my castings, yes.</p> <p>18 Q. THE WITNESS: Can I pee? Is that okay?</p> <p>19 MS. WEINTRAUB: Say that again? I didn't hear you.</p> <p>21 Q. THE WITNESS: Can I pee? Is that okay?</p> <p>22 MS. WEINTRAUB: Would you like a men's room break? Yes, of course.</p> <p>24 Q. THE WITNESS: I just didn't know if I had to wait.</p>

<p>1 sleepless nights, but this is more every day.</p> <p>2 Q. Are you still smoking pot every day?</p> <p>3 A. I'm not.</p> <p>4 Q. When did you stop?</p> <p>5 A. When my son was born.</p> <p>6 Q. Give me a date.</p> <p>7 A. December 4th, 2018.</p> <p>8 Q. Can you -- aside from sleepless nights, can you tell me anything else -- anything else specific or not?</p> <p>10 A. I get very low. There are times where I get very low on myself -- with depression, I guess you could say.</p> <p>13 Q. Because you didn't make that star? Is that what it's about?</p> <p>15 A. No, it's not.</p> <p>16 Q. Anything else?</p> <p>17 A. That's it.</p> <p>18 Q. And, again, that's something that we've gone through, that you've experienced before, after hearing and being rejected, year after year. You've had those feelings of being low since 2009, '10, '11, '12, '13, and '14 before December 15th. And now you're claiming, sometimes you still get like that?</p> <p>24 A. Not like this.</p> <p>25 Q. How is it different? Aside from the fact you're</p>	Page 358	Page 359
<p>1 haven't talked about?</p> <p>2 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>3 THE WITNESS: Not that I can think of right now.</p> <p>4 MS. WEINTRAUB: Give me one minute.</p> <p>5 MS. LEVINE-GRONNINGSATER: Counsel, time is up.</p> <p>6 MR. ETRA: Right, we're going to talk for a minute --</p> <p>8 MS. WEINTRAUB: I want to confer with my client and just ask him if there's anything else he wants to me to ask before we adjourn.</p> <p>11 THE VIDEOGRAPHER: Are we going off?</p> <p>12 MS. WEINTRAUB: Yeah, just for a minute.</p> <p>13 THE VIDEOGRAPHER: We are now going off the video record. The time is approximately 8:02 p.m.</p> <p>15 (Off the record.)</p> <p>16 THE VIDEOGRAPHER: We are now back on the video record and the time is approximately 8:03 p.m.</p> <p>18 MS. LEVINE-GRONNINGSATER: Counsel, given that we're over time, can you let me know how many questions you have left, how much more time you're asking for.</p> <p>21 MS. WEINTRAUB: Zero. I just wanted to be able to confer with my client, who's present, and ask him if there's anything else specific that he wanted. The answer is no.</p> <p>25 At this time I have no further questions,</p>	Page 360	Page 361
		<p>1 subject to the instructions where you instructed him not to answer and I said that I was reserving our rights to take it to the court -- which I am, and I will. That was subjective to further questioning at a later date. And other issues of -- regarding documents that we haven't yet -- that have not yet been produced. And I'll leave it at that. Subject to those reservations, I have no further questions.</p> <p>9 MS. LEVINE-GRONNINGSATER: I have a few questions. I'll be brief.</p> <p>11</p> <p>12 EXAMINATION</p> <p>13 BY MS. LEVINE-GRONNINGSATER:</p> <p>14 Q. Today, defense counsel listed a lot of examples of people and agencies passing on you.</p> <p>16 Do you remember that?</p> <p>17 A. Yes.</p> <p>18 Q. When you met with Bruce Weber at the jewelry store, did he pass on you?</p> <p>20 A. No.</p> <p>21 Q. What did he do?</p> <p>22 A. He set up a photo shoot with me.</p> <p>23 Q. What did he -- strike that.</p> <p>24 How did that make you feel?</p> <p>25 A. Good, confident, like validated, I guess.</p>

<p style="text-align: right;">Page 362</p> <p>1 Q. Why?</p> <p>2 A. Because someone that's like a Bruce Weber that</p> <p>3 has that much power and that much clout in the industry</p> <p>4 actually taking the time to shoot with you was a big</p> <p>5 deal, to me, as a model.</p> <p>6 Q. Can you be more specific as to why that's a big</p> <p>7 deal?</p> <p>8 A. More specifically, shooting with someone like</p> <p>9 Bruce Weber gives you what I would call street cred with</p> <p>10 other -- with other clients, with people that look at</p> <p>11 your book, with other photographers. It's a huge boost</p> <p>12 to your resume as a model.</p> <p>13 Q. When did you find out that Bruce Weber wanted to</p> <p>14 photograph you?</p> <p>15 MS. WEINTRAUB: Objection to the form of the</p> <p>16 question. It's leading and Bruce Weber never said --</p> <p>17 and there's been no testimony, ever, orally, or in</p> <p>18 writing that Bruce Weber ever wanted to photograph him</p> <p>19 other than Jason Kanner convinced him to do a favor and</p> <p>20 agreed to the photo shoot. And I object to the form and</p> <p>21 ask you restate it, because you can't lead him. Thank</p> <p>22 you.</p> <p>23 MS. LEVINE-GRONNINGSATER: You can answer.</p> <p>24 THE WITNESS: Am I allowed to answer it? My</p> <p>25 recollection, it was after the meeting in the jewelry</p>	<p style="text-align: right;">Page 363</p> <p>1 store.</p> <p>2 BY MS. LEVINE-GRONNINGSATER:</p> <p>3 Q. At the photo shoot, why did you let Bruce do the</p> <p>4 -- his breathing exercises?</p> <p>5 MS. WEINTRAUB: I'm sorry, I didn't hear your</p> <p>6 question. Can you repeat it?</p> <p>7 MS. LEVINE-GRONNINGSATER: Can you read back the</p> <p>8 question, please?</p> <p>9 (Record read.)</p> <p>10 THE WITNESS: In the beginning? Or the whole --</p> <p>11 through the whole -- through the whole incident, I</p> <p>12 froze. I didn't know -- in my mind, I froze. I didn't</p> <p>13 know what to do. I didn't know -- you know, on one</p> <p>14 hand, I'm thinking, you know, I can't physically assault</p> <p>15 this guy. You know, on the other hand, if I -- if I</p> <p>16 reject him or don't let him do what he wants to do,</p> <p>17 then, you know, he's not going to work with me, you</p> <p>18 know, again.</p> <p>19 BY MS. LEVINE-GRONNINGSATER:</p> <p>20 Q. What do you mean when you said in the beginning?</p> <p>21 A. I was clarifying at what point in the breathing</p> <p>22 exercises were you talking about.</p> <p>23 Q. Okay. So let's start from the beginning. In</p> <p>24 the beginning, why did you let him?</p> <p>25 A. Okay. When he started rubbing on my forehead</p>
<p style="text-align: right;">Page 364</p> <p>1 with his thumb, I thought it was strange, to me, but a</p> <p>2 forehead on the thumb -- or a thumb on my forehead, was</p> <p>3 it, you know, violating? I thought it was strange, but</p> <p>4 I really wanted to listen to him. He told me that if I</p> <p>5 let him do this, you know, that I would -- I would be</p> <p>6 able to relax and take a better photograph.</p> <p>7 Q. Do you believe that's why he did the breathing</p> <p>8 exercises?</p> <p>9 MS. WEINTRAUB: Objection.</p> <p>10 THE WITNESS: Now, no.</p> <p>11 BY MS. LEVINE-GRONNINGSATER:</p> <p>12 Q. Why do you think he did the breathing exercises?</p> <p>13 MS. WEINTRAUB: Objection.</p> <p>14 THE WITNESS: I believe he did them to see how</p> <p>15 far he could take it.</p> <p>16 BY MS. LEVINE-GRONNINGSATER:</p> <p>17 Q. Meaning?</p> <p>18 A. Meaning --</p> <p>19 MS. WEINTRAUB: Objection.</p> <p>20 THE WITNESS: I think that it was his disguise</p> <p>21 -- I think that was his disguise to put his hands on me.</p> <p>22 That was what he used. He called them breathing</p> <p>23 exercises. He said that I would be relaxed if I allowed</p> <p>24 him to do this.</p> <p>25 MS. LEVINE-GRONNINGSATER: I have no further</p>	<p style="text-align: right;">Page 365</p> <p>1 questions.</p> <p>2</p> <p>3 FURTHER EXAMINATION</p> <p>4 BY MS. WEINTRAUB:</p> <p>5 Q. When I questioned you about the jewelry store,</p> <p>6 asked you very specifically what did Bruce say to you,</p> <p>7 the only thing that you recalled was that he told you</p> <p>8 not to shave, and then you went on a whole thing about</p> <p>9 how he had a little stubble, but he liked it, and he</p> <p>10 thought you should have that for the pictures.</p> <p>11 Do you remember that? That's what you talked</p> <p>12 about?</p> <p>13 A. I said where he talked about small talk, yes.</p> <p>14 Q. So is that your testimony, small talk, plus</p> <p>15 don't shave?</p> <p>16 A. Yes, he said don't shave. And then he said that</p> <p>17 he would -- from my recollection, said that he would</p> <p>18 talk with Jason and set something up.</p> <p>19 Q. That was before you even met him, it had already</p> <p>20 -- we talked about this; there were e-mails about it.</p> <p>21 Jason Kanner had already gotten Bruce to agree. Yes or</p> <p>22 no?</p> <p>23 A. I --</p> <p>24 MS. LEVINE-GRONNINGSATER: Objection.</p> <p>25 MS. WEINTRAUB: Answer.</p>

1 State of California)

2 County of LOS ANGELES)

3

4 I, Kathy Mannlein, Certified Shorthand Reporter,
5 do hereby certify:

6 That prior to being examined, the witness in the
7 foregoing proceeding was by me duly sworn to testify to
8 the truth, the whole truth, and nothing but the truth;

9 That said proceedings were taken before me at the
10 time and place therein set forth and were taken down by
11 me in shorthand and thereafter transcribed into
12 typewriting under my direction and supervision;

13 I further certify that I am neither counsel for,
14 nor related to, any parties to said proceedings, nor in
15 anywise interested in the outcome thereof.

16 In witness whereof, I have hereunto subscribed my
17 name.

18

19 Dated: July 13, 2019

20

21 
22

22 Kathy Mannlein
23 CSR No. 13153

24

25

JASON BOYCE

July 09, 2019

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